



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 12117-10  
25 August 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 August 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty 28 July 1969. The Board found that you received four nonjudicial punishments (NJP's) for unauthorized absence (UA), wrongful possession of a liberty card, three instances of disobedience, and absence from your appointed place of duty. You were convicted by special court-martial (SPCM) of absence from your appointed place of duty and two specifications of disobedience. Further, you were convicted by two summary courts-martial (SCM's) of two periods of UA totaling 54 days, disobedience, and sleeping on post. Subsequently, you were notified of pending administrative separation. You waived your rights to consult with counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 11 August 1971, your commanding officer forwarded your case recommending that you receive an undesirable discharge by reason of misconduct due to frequent involvement. On 26 August 1971, the separation authority approved the recommendation of the commanding officer for an undesirable discharge. You were so discharged on 3 September 1971. On 19 July 1977, a panel of the Naval Discharge Review Board (NDRB) convened under the Special

Discharge Review Program (SDRP), and your initial discharge was changed to a general under honorable conditions under the criteria of the SDRP.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and Vietnam service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in four NJP's, a SPCM conviction, and convictions by two SCM's of serious offenses. Finally, the Board noted that you received a general discharge under the SDRP. However, neither the Department of Veterans Affairs (DVA) nor Department of Defense (DoD) considers an upgrade to a general discharge by the SDRP to entitle you to any benefits denied by reason of the original discharge. The Board concluded that a further change, which would make you eligible for DVA benefits, was not warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director