



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

TJR
Docket No: 95-11
8 April 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 5 April 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 21 May 1968 at age 18. You served for nearly a year without disciplinary incident. However, on 29 April 1969, while serving in the Republic of Vietnam (RVN), you received nonjudicial punishment (NJP) for communicating a threat to kill and were awarded reduction to paygrade E-1 and a \$100 forfeiture of pay, all of which were suspended for six months. Nonetheless, on 17 June 1969, the suspended punishment was vacated due to your continued misconduct. About three months later, on 23 September 1969, you received NJP for failure to obey a lawful order and were awarded extra duty for 14 days, a \$100 forfeiture of pay, and reduction to paygrade E-1. The reduction was suspended for four months.

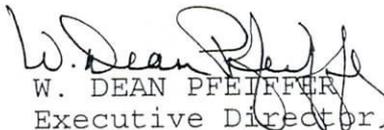
On 12 February 1971 you were convicted by special court-martial (SPCM) of making a false identification card and theft of a government check. You were sentenced to confinement at hard

labor for four months, reduction to paygrade E-1, and a \$400 forfeiture of pay. Shortly thereafter, on 14 May 1971, you were honorably released from active duty upon the expiration of your obligated service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your overall satisfactory service, time served in RVN, post service conduct, and desire to correct your record to reflect that you were not reduced in paygrade. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because of the seriousness of your repetitive misconduct which resulted in two NJPs, a SPCM, and reduction in paygrade in each disciplinary action. Accordingly, your application has been denied.

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