



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

TJR
Docket No: 1165-11
8 November 2011

[REDACTED]

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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 1 November 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 5 February 1973 at age 17 and served without disciplinary incident until 29 June 1973, when you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA). Shortly thereafter, on 27 August 1973, you were convicted by summary court-martial (SCM) of a 19 day period of UA. About six months later, on 27 February 1974, you were convicted by special court-martial (SPCM) of a 33 day period of UA.

On 22 January 1975 you were convicted by SPCM of five periods of UA totalling 131 days and disobedience. You were sentenced to confinement at hard labor for four months, an \$800 forfeiture of pay, and a bad conduct discharge (BCD). On 5 March 1975 you submitted a written request for suspension of the BCD and restoration to duty. However, your request was subsequently denied. On 16 April 1975, after an arrest warrant was issued for your failure to appear in civil court on charges of robbery on or about 7 July 1974, you were released from military custody to stand trial in civil court. Your record, however, does not

reflect the court action or sentence for the foregoing charge. Nonetheless, on 27 August 1975, the BCD was approved at all levels of review, and on 1 September 1975, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge for medical purposes. It also considered your assertion of having a bi-polar disorder and multiple personalities. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive and lengthy periods of UA from the Marine Corps and criminal activity in the civilian community. 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