



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3331-11
13 January 2012

[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 12 January 2012. 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 12 December 1976 at age 19 and began a period of active duty. You served without disciplinary incident until 27 April 1977, when you received NJP for destruction of government property valued at \$50 and assault. A year later, on 18 May 1978, you received NJP for failure to go to your appointed place of duty.

During the period from 26 March to 17 December 1979 you received NJP on three more occasions for making a false claim in the amount of \$364.74, theft of government property valued at \$92.57, two specifications of dereliction of duty, and an unspecified period of unauthorized absence (UA).

On 15 February and again on 21 May 1980 you were convicted by summary court-martial (SCM). Your offenses were two specifications of disobedience, failure to obey a lawful order, two periods of UA totalling two days, assault, and two periods of failure to go to your appointed place of duty. On 23 September

1980 were convicted by special court-martial (SPCM) of failure to go to your appointed place of duty, failure to obey a lawful order, and three specifications of disobedience.

On 23 March 1981 you were convicted by SPCM of two periods of failure to go to your appointed place of duty, being absent to avoid maneuver, and three specifications of disobedience. You were sentenced to confinement at hard labor for four months, a \$1,000 forfeiture of pay, and a bad conduct discharge (BCD). On 1 April 1981 you submitted a written request for remission of the BCD and the issuance of a general discharge. Subsequently, the BCD was approved at all levels of review, on 9 July 1982, 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, post service conduct, and desire to upgrade your discharge. It also considered the supporting correspondence provided by your sister. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent and repetitive misconduct which resulted in nine disciplinary actions. 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