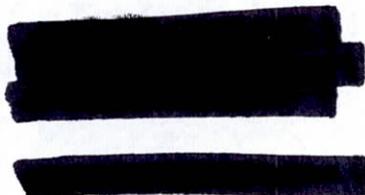




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 03897-11
15 February 2012



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 14 February 2012. 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.

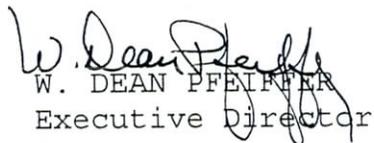
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 21 January 1974. The Board found that on 31 January 1975, you were convicted by special court-martial (SPCM) of larceny. You were sentenced to confinement at hard labor, a reduction in paygrade, and a bad conduct discharge (BCD). On 3 March 1975, the convening authority approved the sentence, but the BCD and a period of confinement at hard labor were suspended for six months. On 1 May 1975, you began a period of unauthorized absence (UA) that lasted 315 days, ending on 11 March 1976. On 20 April and 11 May 1976, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. Subsequently, your suspended BCD was vacated, and on 28 May 1976, you received it after appellate review was completed.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and character letters. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your SPCM conviction, of a period of UA that lasted over 10 months, and two NJP's. Finally, the Board noted that you were given an opportunity for retention and to earn a better characterization of service when your BCD was suspended for six months as a result of your SPCM. 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