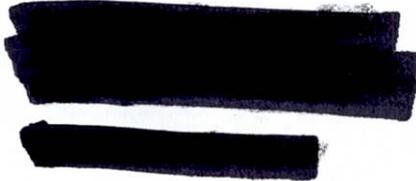




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 4170-11
10 February 2012



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 7 February 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.

The Board found you enlisted in the Marine Corps on 7 July 1969 at age 17 and began a period of active duty. You served without disciplinary incident until 8 January 1970, when you received nonjudicial punishment (NJP) for misbehavior as a sentinel. On 12 November 1970 you received NJP for a four day period of unauthorized absence (UA). On 23 March 1971 you received NJP for sleeping on post, and on 29 October 1971, you received your fourth NJP for failure to obey a lawful order.

On 21 July 1972 you were convicted by special court-martial (SPCM) of a 33 day period of UA and wrongful possession of marijuana. You were sentenced to confinement at hard labor for two months, a \$384 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). During the period from 19 to 30 October 1972 you were again in a UA status for 12 days. Nonetheless, on 22 November 1972, you submitted a written request for immediately execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 14 December 1972 you were so discharged.

Your record further reflects that on 16 June 1977, in accordance with a recommendation of the Presidential Clemency Board, your BCD was changed and you were awarded a clemency discharge pursuant to Presidential Proclamation 4313.

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 character reference letters. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included drug abuse and resulted in four NJPs and a court-martial conviction. The Board noted that the BCD was changed to a clemency discharge, but concluded that a further change was not warranted, and as such concluded your clemency discharge was proper as issued. 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