



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

TJR
Docket No: 4719-11
16 February 2012

[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 14 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.

You enlisted in the Marine Corps on 25 October 1967 at age 19. You served for nearly a year without disciplinary incident, but on 14 October 1968, you received nonjudicial punishment (NJP) for dereliction of duty. On 16 April 1970 and again on 12 January 1971 you received NJP for failure to go to your appointed place of duty and a three day period of unauthorized absence (UA).

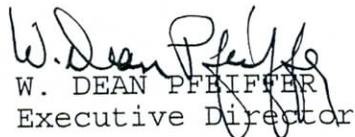
On 21 April 1973 you were convicted by general court-martial (GCM) of desertion resulting from a 618 day period of UA. You were sentenced to confinement at hard labor for 11 months, reduction to paygrade E-1, forfeiture of all pay and allowances, and a bad conduct discharge (BCD). On 6 November 1973 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 12 November 1973, 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 so that you may

obtain veteran's benefits. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs and a GCM for a lengthy period of UA from the Marine Corps. Finally, the Board noted your request for immediate execution of the BCD. 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