



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

TAL
Docket No: 332-12
27 September 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 26 September 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.

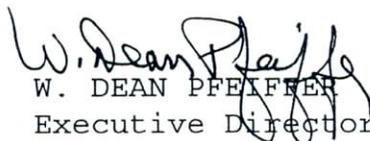
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 11 January 1965 at age 17. On 29 March 1967, you received nonjudicial punishment (NJP) for missing ship's movement and failure to go to your appointed place of duty. On 24 March 1968 you were convicted by special court-martial (SPCM) of willfully disobeying a lawful order to join the movement to combat, an order given by a superior commissioned officer. The sentence imposed was confinement, a forfeiture of pay and reduction in paygrade. On 7 July 1968, you were again convicted by SPCM of willfully disobeying a lawful order to rejoin your platoon, an order given by a superior commissioned officer. The sentence imposed was confinement, a forfeiture of pay, and a bad conduct discharge (BCD). On 6 December 1968, you received the BCD after appellate review.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and Vietnam combat service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in your trial by two SPCMs. 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