



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

SJN  
Docket No: 00545-12  
9 February 2012

[REDACTED]

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This is in reference to your late brother's application for correction of his 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 his application on 9 February 2012. His 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 his application, together with all material submitted in support thereof, his 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.

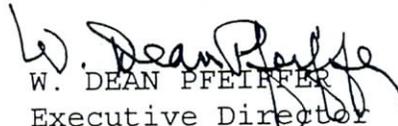
Your late brother enlisted in the Marine Corps and began a period of active duty on 6 September 1966. The Board found that on 6 June 1968, he submitted a request for discharge on the grounds of being a conscientious objector due to his religious beliefs. On 16 September 1968, the Commandant of the Marine Corps informed him that his request had been denied. However, he was designated as a conscientious objector. It was directed that he be assigned noncombatant duties consistent with his classification. He served without incident until 28 August 1969, when he began a period of unauthorized absence (UA) that lasted 188 days, ending on 4 March 1970. On 24 April 1970, he submitted a written request for a good of the service discharge in order to avoid trial by court-martial for the 188 days of UA. Prior to submitting this request for discharge, he conferred with a qualified military lawyer, was advised of his rights, and was warned of the probable adverse consequences of accepting

such a discharge. His request for discharge was granted and on 28 May 1970, he received an other than honorable discharge for the good of the service in lieu of trial by court-martial. As a result of this action, he was spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor.

The Board, in its review of your late brother's application, carefully weighed all potentially mitigating factors, such as his youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge given the charge being preferred to a court-martial for a period of UA totaling over six months, and request for discharge. The Board believed that considerable clemency was extended to him when his request for discharge was approved. The Board also concluded that he received the benefit of his bargain with the Marine Corps when his request for discharge was granted and should not be permitted to change it now. Accordingly, his 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 his 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