



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

TJR  
Docket No: 1548-12  
5 December 2012

[REDACTED]

[REDACTED]

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 4 December 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.

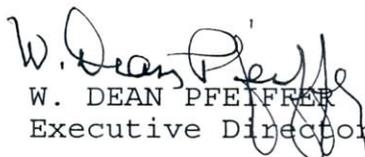
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 29 June 1967 at age 17 and immediately began a period of active duty. You served without disciplinary infraction until 12 January 1968, when you began a period of unauthorized absence (UA) that was not terminated until 9 February 1968. During the period from 12 February 1968 to 22 April 1968 you escaped confinement, were in a UA status on three more occasions, and declared a deserter. As a result, on 21 July 1969, you were convicted by general court-martial (GCM) of two specifications of desertion for two periods of UA totalling 376 days, two periods of UA totalling 74 days, escaping from confinement, and failure to obey a lawful order. You were sentenced to confinement at hard labor for two years, reduction to paygrade E-1, forfeiture of all allowances and pay and a dishonorable discharge (DD). On 25 February 1970 you submitted a written request for clemency, specifically, a reduction in confinement, mitigation of the DD, and the issuance of a general discharge. Nonetheless, your request was denied. Subsequently, the DD was approved at all levels of review, and on 3 November 1970, you were so discharged.

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. It also considered your assertion of inadequate legal representation. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA from the Navy and other offenses. Finally, there is no evidence in the record, and you submitted none, to support your assertion of inadequate legal representation. 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