



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

REC
Docket No: 04055-12
28 February 2013

[REDACTED]

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 27 February 2013. 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 5 October 1982, at age 18. On 27 February 1985, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence status on two occasions totaling 220 days and wrongfully distributing 25 doses of lysergic acid diethylamide. You were sentenced to a forfeiture of \$1,170, reduction in pay grade, confinement at hard labor for three months, and a bad conduct discharge (BCD). Your misconduct continued and on 31 May 1985, you received nonjudicial punishment (NJP) for being UA for 53 days. The discharge authority directed the execution of your BCD. On 19 March 1986, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these

factors were not sufficient to warrant recharacterization of your discharge given your record of an NJP and conviction by a SPCM of serious offenses. 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



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

REC
Docket No: 04062-12
28 February 2013

[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 27 February 2013. 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, 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.

You enlisted in the Marine Corps and began a period of active duty on 16 November 1973, at age 17. On 9 May 1975, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty and disobeying a lawful order. On 18 September 1975, you received NJP for sleeping on post. On 22 and 24 September 1975, you received NJP for breaking restriction. On 8 January 1976, you received NJP for being absent from your appointed place of duty. On 11 February 1976, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence (UA) status for four days. You were sentenced to a forfeiture of \$100. On 2 March 1976, you received NJP for failure to go to your appointed place of duty. On 8 March 1976, administrative separation procedures were initiated. On 17 March 1976, you were discharged with a general characterization of service.

The Board, in its review of his entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your characterization of service given your record of six NJP's and a conviction by a SPCM of misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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