



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

TAL
Docket No: 1873-12
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 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 28 November 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 8 January 1964 at age 18. On 15 September 1965 you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 27 January 1966, you were convicted by summary court-martial (SCM) of UA from your unit for a period of 29 days. On 31 August 1966, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 27 days. The sentence imposed was confinement, and a forfeiture of pay. On 11 January and 7 February 1967, you received NJP for failure to obey a lawful regulation and failure to go to appointed place of duty. On 11 July 1967, you were convicted by SPCM of UA from your unit for a period of 43 days. The sentence imposed was confinement, a forfeiture of pay and a bad conduct discharge (BCD). The reviewing authority suspended the BCD for a period of six months. On 30 October 1967, you were again UA

from your unit for a period of 94 days, until you surrendered to civilian authorities in Saginaw, Michigan, on 1 February 1968. On 15 March 1968, the separation authority vacated your suspended BCD, and on 25 March 1968, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, Vietnam service and overall record of 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 three NJPs, a SCM, two SPCMs and periods of UA totaling over six months. Finally, although the BCD was suspended for six months, it was vacated due to your continued 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