



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

SJN  
Docket No: 03256-12  
26 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 20 February 2013. 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 and began a period of active duty on 24 January 1977. The Board found that during the period from 19 November 1977 to 18 October 1978, you received four nonjudicial punishments (NJP's) for five periods of unauthorized absence (UA), three instances of disobedience, disrespect and failure to go to your appointed place of duty. On 12 December 1978, you were convicted by special court-martial (SPCM) of the use of disrespectful language, sleeping on post, leaving your post before being properly relieved, two specifications of being drunk and disorderly, two instances of larceny, entering government property with the intent to commit larceny and six days of UA. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). During the period from 3 April to 11 July 1979, you received four additional NJP's for six periods of UA and breaking restriction. You received the BCD on 9 April 1990 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your eight NJP's and SPCM conviction of serious offenses. Accordingly, your application has been denied.

With regard to receiving credit for your overseas service, your request is for an administrative correction which does not require action by this Board, but falls under the cognizance of the Department of Navy, Navy Personnel Command (BUPERS), Code Pers-312, 5720 Integrity Drive, Millington, Tennessee 38055-3120. You may submit your request to PERS-312.

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