



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

TJR
Docket No: 3288-12
21 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 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 on 6 March 1972 and immediately began a period of active duty. You served for about four months without disciplinary incident, however, during the period from 10 July to 27 October 1972 you received nonjudicial punishment (NJP) on six occasions and were convicted by summary court-martial (SCM). Your offenses were three periods of unauthorized absence (UA) totalling 28 days, four periods of absence from your appointed place of duty, assault, and bribery.

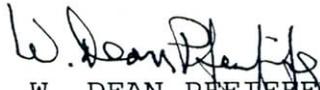
On 22 February 1973 you received your seventh NJP for a two day period of UA. Shortly thereafter, you were notified of pending administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected your right to present your case to an administrative discharge board (ADB). On 22 February 1973 an ADB recommended an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Subsequently,

your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of unfitness. On 9 March 1973 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities, and on 19 March 1973, 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, assertion that your discharge was too harsh, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and frequent misconduct which resulted in seven NJPs and a court-martial conviction. 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