



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

REC
Docket No: 03984-12
27 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 21 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 26 May 1969, at age 18. On 30 March 1970, you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 20 June 1970, you were convicted by a special court-martial (SPCM) of willfully disobeying a lawful order from a commissioned officer and two incidents of assaulting a fellow Marine. You were sentenced to a forfeiture of \$480, reduction in pay grade and confinement at hard labor for four months. On 11 February 1971, you were convicted by a second SPCM of being in an unauthorized absence (UA) status for 69 days. You were sentenced to a forfeiture of \$210, confinement at hard labor for three months, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 11 June 1971, 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 Vietnam service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of one NJP, and two convictions by SPCM's 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