



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

TAL  
Docket No: 7525-12  
15 May 2013



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 8 May 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.

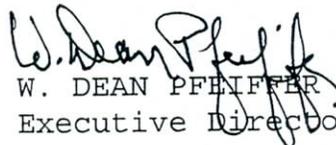
You enlisted in the Marine Corps and began a period of active duty on 27 February 1976 at age 19. You were diagnosed with chronic peptic ulcer disease, active duodenitis and mild reflux esophagitis. You were assigned a disability rating of 20%. On 22 May 1978, the separation authority determined that you would be discharged by reason of physical disability. On 14 June 1978, your medical discharge was cancelled due to pending court-martial charges and you were detained on active duty until completion of disciplinary action. On 20 June 1978, you were in an unauthorized absence (UA) status from your unit until you were apprehended by civil authorities on 9 April 1979, a period of 293 days. On 9 May 1979, you were again UA from your unit. On 12 October 1983, you were notified by certified mail of pending administrative discharge processing with an other than honorable (OTH) discharge

due to misconduct. You waived your procedural rights, including your right to an administrative discharge board (ADB). On 1 February 1984, you received the OTH discharge for misconduct, ending a 1,729 day period of UA.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth 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 periods of UA totaling over five years and six months. The Board noted that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. 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