



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 695-99  
22 July 1999

[REDACTED]

Dear [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 13 July 1999. 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.

The Board found you enlisted in the Marine Corps on 16 September 1969 at the age of 19. Your record reflects that on 31 May 1969 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 14 days and forfeitures totalling \$21.

Your record further reflects that on 12 June 1972 you were convicted by special court-martial (SPCM) of four periods of unauthorized absence (UA) totalling 938 days. You were sentenced to confinement at hard labor for five months, forfeitures totalling \$820, and a bad conduct discharge (BCD). The findings and sentence of the SPCM were reviewed and approved and subsequently, the BCD was ordered executed. However, prior to receiving the BCD, you were in an UA status on three occasions during the period from 21 August 1972 to 17 August 1978, for a total of 2,123 days. While in this UA status, you were also declared a deserter.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contentions that the BCD was overly harsh punishment for the offense of UA, your wife had been ill, you have paid long enough for your mistake, and draft dodgers and deserters were given amnesty. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent and lengthy periods of UA from the Marine Corps. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. 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