



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

TJR
Docket No: 2231-00
21 September 2000

[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 6 September 2000. 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 7 November 1972 at the age of 17.

Your record reflects that during the period from 29 January to 19 June 1973 you received nonjudicial punishment (NJP) on four occasions for being asleep while on watch, absence from your appointed place of duty, failure to obey a lawful order, and a day of unauthorized absence (UA).

Your record further reflects that during the period from 6 March to 19 December 1974 you received NJP on three more occasions for three periods absence from your appointed place of duty, theft of \$80, and possession of marijuana.

On 28 January 1975 you were by convicted summary court-martial (SCM) of two periods of absence from your appointed place of duty, a day of UA, and breaking restriction. You were sentenced to confinement for 45 days, restriction for 60 days, and a \$229 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal authorities, you chose to present your case to an administrative discharge board (ADB). On 31 January 1975 an ADB recommended you be issued an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. On 3 March 1975 the discharge authority directed your commanding officer to issue you an undesirable discharge by reason of unfitness. On 2 May 1975 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 and immaturity, good post service conduct, and your contention that have been drug free for the last 10 years and would now like your discharge upgraded so that you may obtain better employment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct, which resulted in seven NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued 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