



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

TJR
Docket No: 4025-01
21 November 2001

[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 14 November 2001. 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 20 June 1969 at the age of 17. Your record reflects that during the period from 15 October to 14 November 1969 you were in an unauthorized absence (UA) status for 30 days. However, the record does not reflect what, if any, disciplinary action was taken for this offense.

Your record also reflects that on 19 May 1970 you were convicted by special court-martial (SPCM) of a 115 day period of UA. You were sentenced to confinement at hard labor for 2 months and a \$176 forfeiture of pay.

On 26 January 1971 you were convicted by SPCM of a 145 day period of UA. You were sentenced to a \$270 forfeiture of pay, confinement at hard labor for three months, and a bad conduct discharge (BCD). On 17 November 1971 you received nonjudicial punishment (NJP) for a 186 day period of UA and were awarded an oral reprimand and a \$40 forfeiture of pay. Subsequently, the BCD was approved at all levels of review and on 19 November 1971 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your frequent and lengthy period of UA, which resulted in an NJP and two court-martial convictions. 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