



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

TJR
Docket No: 4710-00
27 September 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 25 September 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 29 January 1964 after nearly four years of prior honorable service in the National Guard. Your record reflects that you served for almost two years without disciplinary infraction but on 21 January 1966 you were convicted by special court-martial (SPCM) of a 30 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to confinement at hard labor for a month, a \$45 forfeiture of pay, and reduction to paygrade E-1. On 19 August 1966 you were again convicted by SPCM of a 100 day period of UA and sentenced to confinement at hard labor for six months, a \$510 forfeiture of pay, and a suspended bad conduct discharge (BCD).

Your record also reflects that on 6 February 1967 you began a 134 day period of UA that was not terminated until you were apprehended by civil authorities on 20 June 1967. Shortly thereafter, on 29 August 1967, the suspended BCD was ordered executed. On 15 September 1967 you were so discharged.

Your record further reflects that on 4 February 1976, in accordance with a recommendation of the Presidential Clemency Board, your BCD was changed to a clemency discharge pursuant to Presidential Proclamation 4313.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, prior honorable service, and combat service. The Board also considered your contention that you were denied a hardship discharge, which you needed so that you could care for your ailing parents. The Board further considered your current medical condition and the statement from the American Legion on your behalf. However, these factors and contention were not sufficient to warrant recharacterization of your discharge because of the seriousness of your frequent and lengthy periods of UA. The Board noted that your misconduct continued even after the BCD was suspended and you were given an opportunity to earn an honorable or general discharge. The Board further noted that the BCD was changed to a clemency discharge, and concluded that no further change is now warranted. Given the circumstances of your case, the Board concluded your clemency 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