



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

CRS  
Docket No: 7295-00  
20 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 19 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 1 April 1976 at age 19. The record reflects that on 7 January 1977 you were convicted by a summary court-martial of unauthorized absences totalling 83 days.

A special court-martial convened on 28 July 1977 and found you guilty of unauthorized absences totalling 111 days. The court sentenced you to confinement at hard labor for two months, forfeitures of \$200 per month for two months, and a bad conduct discharge. Subsequently, you were convicted by civil authorities of two counts of burglary. The court sentenced you to confinement for a year. You received the bad conduct discharge on 23 October 1979.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled more



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that six months. The Board also noted that during a period of  
less than four years, you were the subject of two disciplinary  
actions and a serious civil conviction. Based on the foregoing,  
Board concluded that no change to the discharge 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