



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

TJR
Docket No: 2884-02
6 November 2002



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 5 November 2002. 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.

You enlisted in the Marine Corps on 2 June 1976 at the age of 17. Approximately six months later, on 20 December 1976, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 14 days.

On 27 January and again on 19 February 1977 you received NJP for drunk and disorderly conduct, disobedience, being incapacitated for duty, destruction of property, sleeping on post, and one day of unauthorized absence (UA). On 25 April 1977 you were convicted by summary court-martial (SCM) of two specifications each of disrespect and disobedience. You were sentenced to confinement at hard labor for 30 days and a suspended \$249.60 forfeiture of pay.

On 7 February 1978 you were convicted by special court-martial (SPCM) of three periods of UA totalling 74 days, resisting arrest, larceny and assault. You were sentenced to a \$1,325 forfeiture of pay, confinement at hard labor for five months, and a bad conduct discharge (BCD).

On 31 January 1979 you received your fifth NJP for two periods of absence from your appointed place of duty and disobedience. The punishment imposed was a \$92 forfeiture of pay and restriction and extra duty for 14 days. On 28 March 1979 you were convicted by SCM of three periods of UA totalling 90 days, disrespect, and two specifications of assault. You were sentenced to confinement at hard labor for 30 days.

On 27 October 1979 you submitted a written request for a general discharge. However, this request was denied and on 9 May 1979, after the BCD was approved at all levels of review, 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, and your request to have your discharge upgraded so that you may obtain veterans' benefits. Nevertheless, the Board concluded these factors and your request were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in five NJPs and three court-martial convictions. 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