



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

TJR
Docket No: 5407-01
31 January 2002

[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 23 January 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.

The Board found you enlisted in the Marine Corps on 18 June 1971 at the age of 19. Your record reflects that on 3 September 1971 you received nonjudicial punishment (NJP) for failure to obey a lawful order and disrespect. The punishment imposed was correctional custody for five days.

During the period from 13 January to 12 April 1972 you received NJP on three occasions for three periods of unauthorized absence (UA) totalling 298 days and disobedience. On 27 September 1972 you were convicted by special court-martial (SPCM) of a 122 day period of UA and were sentenced to confinement at hard labor for 45 days and a \$100 forfeiture of pay. On 8 March and again on 26 September 1973 you received NJP for two periods of UA totalling 13 days.

Your record further reflects that on 29 March 1974 you were convicted by general court-martial (GCM) of conspiracy and assault. You were sentenced to confinement at hard labor for

eight months, a \$2,400 forfeiture of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, you were so discharged on 15 September 1976.

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 the seriousness of your repetitive misconduct, which resulted in six NJPs 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