



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

TJR
Docket No: 6887-06
22 March 2007

[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 20 March 2007. 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 12 October 1972 at age 19 and served for about three months without disciplinary incident. However, during the period from 9 January to 17 March 1973 you received nonjudicial punishment (NJP) on three occasions for two specifications of failure to obey a lawful order, absence from your appointed place of duty, and misbehavior as a sentinel.

During the period from 27 July to 1 October 1974 you received NJP on three more occasions for failure to obey a lawful order possession of marijuana, and breaking restriction. During this period you were also convicted by civil authorities of possession of narcotics. On 20 December 1974 you were convicted by summary court-martial (SCM) of assault and sentenced to a \$100 forfeiture of pay. Shortly thereafter, on 30 December 1974, you received your seventh NJP for a one day period of unauthorized absence (UA). The punishment imposed was a \$80 forfeiture of pay and extra duty for 14 days.

On 10 January 1975 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. Subsequently, your commanding officer recommended an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. On 7 February 1975 the discharge authority approved this recommendation and directed an undesirable discharge, and on 18 February 1975 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 assertion that your discharge was a result of being tricked by one of your superiors. Nevertheless, 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 seven NJPs and a court-martial conviction. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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