



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

CRS
Docket No: 8793-98
27 May 1999



Dear 

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 21 April 1999. 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 24 July 1976 at age 17. Prior to the offenses for which you received a bad conduct discharge, you received three nonjudicial punishments. The offenses included unauthorized absences totalling eight days, falsifying a sick bay chit, and failure to obey a lawful order.

A special court-martial convened on 7 February 1980 and found you guilty of stealing a tape player and two speakers valued at \$350. The court sentenced you to confinement at hard labor for five months, and a bad conduct discharge. Subsequently, you were convicted by a second court-martial of an unauthorized absence of 169 days. You received the bad conduct discharge on 29 May 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were offered an honorable discharge. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to

the serious theft offense, and since your total period of unauthorized absence was about six months. In this regard, there is no evidence and you have presented none that you were offered an honorable discharge. Based on the foregoing, the 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