



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

TRG  
Docket No: 2684-99  
25 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 24 August 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 6 January 1970 at age 21. The record shows that on 2 February 1970 you began a period of unauthorized absence. On 10 April 1970 you were apprehended by civil authorities. On 21 May 1970 you plead guilty to theft and were sentenced to six months in the county jail, half of which was suspended.

Based on your conviction by civil authorities you were processed for an administrative discharge. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. On 8 July 1970 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with an undesirable discharge. You were so discharged on 16 July 1970.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention, in effect, that you were improperly discharged because you were arrested by civil authorities for a minor offense while home on emergency leave. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your period of unauthorized absence and

especially your conviction by civil authorities of theft. The Board noted that there is no evidence of emergency leave in the record. Since you never returned to the Marine Corps, the record shows that you were an unauthorized absentee from 2 February 1970 until your discharge, a period of about 134 days. The Board concluded that the 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