



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

TJR
Docket No: 210-01
28 June 2001

[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 26 June 2001. 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. In addition, the Board considered the advisory opinion provided by the Naval Medical Center, a copy of which is enclosed for your information.

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 19 April 1972 at the age of 17. Your record reflects that on 28 August 1972 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and were awarded extra duty for 14 days. On 22 November 1972 you were convicted by summary court-martial (SCM) of a 21 day period of UA and disrespect. You were sentenced to confinement for 30 days and forfeitures totalling \$192.

Your record further reflects that on 10 May 1973 you received NJP for sleeping on post and were awarded restriction for 10 days. Your record also contains an entry which notes that you were UA from 5 to 29 June 1973 for a total of 29 days. However, the record does not reflect the disciplinary action taken, if any, for this period of UA. On 19 October 1973 you received NJP for two incidents of disobedience and were awarded a \$40 forfeiture of pay.

On 29 January 1974 you were convicted by special court-martial (SPCM) of an eight day period of UA, failure to obey a lawful order, and disrespect. You were sentenced to a \$434 forfeiture of pay, reduction to paygrade E-1, confinement at hard labor for two months, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for immediate execution of the BCD. The BCD was approved at all levels of review and on 12 December 1974 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. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, especially your frequent and lengthy periods of UA. Given 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