



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

TRG
Docket No: 279-99
7 June 2000

[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 7 June 2000. 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 9 February 1967 at age 18. During the next 11 months you received nonjudicial punishment on three occasions. Your offenses were two periods of unauthorized absence totaling about 35 days and disobedience. Subsequently, you served in Vietnam from 13 March 1968 to 18 March 1969. During this period, on 16 May 1968, you were wounded in action.

On 29 September 1969 you were convicted by a special court-martial of two periods of unauthorized absence totaling about 124 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$75 pay per month for four months and confinement at hard labor for four months. You were restored to duty from confinement on 30 December 1969. On 16 February 1970 you received your fifth nonjudicial punishment for an unauthorized absence of about 12 days.

Based on the foregoing record of misconduct, 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 (ADB). On 28 April

1970 the discharge authority approved the recommendation of your commanding officer that you be discharged for unfitness with an undesirable discharge. You were so discharged on 1 May 1970.

In its review of your application the Board carefully weighed all potentially mitigating factor such as your youth, limited education and combat service in Vietnam. The Board also considered your contention, in effect, that you could not adjust to the Marine Corps after your return from Vietnam. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your multiple and lengthy periods of unauthorized absence. The Board noted that your last period of unauthorized absence began only 17 days after you were restored to duty from confinement. This indicated to the Board that you wanted to be discharged regardless of the consequences. The Board also noted that you waived an ADB, your best opportunity to show that you should be retained or receive a better characterization of service. 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