



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

TRG
Docket No: 566-01
6 December 2001

[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 4 December 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.

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.

You enlisted in the Marine Corps on 1 May 1967 at age 18. Subsequently, you served in Vietnam from 12 December 1967 to 5 August 1969. You served an extra six months because you volunteered for that service. You participated in 10 combat operations and were awarded the Combat Action Ribbon.

On 3 December 1969, you reported to the Marine Barracks, Rodman, Canal Zone, for duty. On 9 April 1970 you received nonjudicial punishment for treating a noncommissioned officer with contempt and disrespect. On 30 April 1970 you were awarded a Good Conduct Medal. During the period 10 July 1970 to 23 November 1970 you received nonjudicial punishment on three occasions. Your offenses were two instances of failure to go to your appointed place of duty, communicating a threat to a sentry, destruction of a screen valued at \$15, and treating a senior noncommissioned officer with contempt and disrespect. During this period, on 3 September 1970, you were counseled and warned that further misconduct could lead to processing for an undesirable discharge.

Based on the foregoing record, 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 25 January 1971 you received your fifth nonjudicial punishment for disobedience and discreditable actions detrimental to the Marine Corps. Subsequently, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, 18 months of combat service in Vietnam, and the almost three years of good service prior to your first disciplinary action. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of five nonjudicial punishments, especially the two punishments, that occurred after you were warned of the consequences of further misconduct, one of which took place while you were being processed for an administrative discharge. The Board noted that you have provided no explanation of your conduct while you were stationed in the Canal Zone and have not provided any evidence of good post service conduct. 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