



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

CRS
Docket No: 596-01
8 August 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 24 July 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.

The Board found that you enlisted in the Marine Corps on 20 November 1968 at age 17. The record reflects that you received five nonjudicial punishments. The offenses included an unauthorized absence of 22 days, disrespect on two occasions, drunk and disorderly conduct, absence from your appointed place of duty, failure to obey a lawful order, and a uniform violation. Subsequently, on 25 February 1972 you were convicted by civil authorities of assault with a deadly weapon inflicting serious injuries. The court sentenced you to confinement for three years.

On 1 June 1972 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of misconduct based on the civil conviction. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 30 June 1972.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity, personal problems, and service in Vietnam. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the civil conviction and your frequent military offenses. 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