



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

ELP  
Docket No. 966-01  
14 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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 12 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.

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 21 October 1976 for four years at age 20. The record reflects that you were advanced to PFC (E-2) and served without incident until 7 January 1978 when you received nonjudicial punishment for two instances of absence from your appointed place of duty.

You were subsequently advanced to LCPL (E-3) and served without further incident until 1 July 1978 when you began a 13 month period of unauthorized absence. On 30 August 1979 you were convicted by special court-martial of UA from 1 July 1978 to 1 August 1979. You were sentenced to confinement at hard labor for 75 days, forfeitures of \$275 per month for 6 months, reduction in rank to PVT (E-1), and a bad conduct discharge.

On 27 September 1979 you waived your right to request restoration to duty and asked that the bad conduct discharge be

executed. You were placed on appellate leave on 16 January 1980. The Navy Board of Review affirmed the findings and the sentence, and you received the bad conduct discharge on 8 May 1980.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education, low test scores, and the fact that it has been more than 21 years since you were discharged. The Board also considered your contention that you believed that you paid your debt to the Marine Corps and an upgrade of your discharge would improve your employment opportunities. However, it concluded that these factors and contentions were insufficient to warrant recharacterization of your discharge given your record of an NJP and a special court-martial conviction for 13 months of UA. Furthermore, you waived your right to request restoration to duty, the one opportunity you had to earn a discharge under honorable conditions. The Board concluded that the discharge was proper 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

