



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

CRS
Docket No: 2171-01
26 October 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 October 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 19 June 1975 at age 17. The record reflects that you received three nonjudicial punishments. The offenses included unauthorized absences totalling two days, assault, failure to obey a lawful order, absence from your appointed place of duty, and use of valium.

A special court-martial convened on 20 June 1977 and found you guilty of unauthorized absences totalling 23 days, absence from your appointed place of duty, assault, drunk and disorderly conduct, and being incapacitated for duty. The court sentenced you to confinement at hard labor for three months, forfeitures of \$245 per month for three months, and a bad conduct discharge. On 30 August 1977 the bad conduct discharge was suspended. However, you were then an unauthorized absentee in the hands of civil authorities and confined for a total of more than 200 days. You were also charged with other misconduct. Accordingly, on 30 May 1978 the suspended bad conduct discharge was ordered executed. For some unknown reason you did not receive the bad conduct

discharge until 2 July 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and good postservice conduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offenses. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in the discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge 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