



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 2817-00

15 September 2000

[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 7 September 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 19 June 1972 at age 18. A special court-martial convened on 13 September 1973 and found you guilty of two periods of unauthorized absences totalling 240 days. The court sentenced you to confinement at hard labor for three months, forfeitures of \$200 per month for three months, and a bad conduct discharge. Subsequently, you were convicted by a summary court-martial of an unauthorized absence of seven days on 9 November 1973. The sentence imposed consisted of confinement at hard labor for 90 days and a forfeiture of \$200. The bad conduct discharge was then ordered executed and you were so discharged on 12 March 1974.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that the discharge was too harsh. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled more than eight months. 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

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