



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

CRS
Docket No: 3862-00
17 September 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 6 September 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 Reserve on 17 November 1972 at age 17. In this regard, your enlistment contract required you to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on the same date you were enlisted. Subsequently, you received two nonjudicial punishments. The offenses included an unauthorized absence of four days and failure to obey a lawful order. On 28 May 1973 you were released from active duty and assigned to a Marine Corps Reserve Unit.

On 18 August 1973 you received nonjudicial punishment for sleeping on post while on ACDUTRA.

On 14 January 1975 the commanding officer recommended that you be separated with an undesirable discharge by reason of shirking due to failure to attend regularly scheduled drills. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was

approved and on 27 June 1975 you received an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention that you missed drills due to being hospitalized. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge. In this regard, there is no evidence in the record that medical problems prevented you from drilling, and you have presented none. 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

Copy to: Mr. Peter DiMaria