



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

TJR
Docket No: 6601-01
12 March 2002



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 5 March 2002. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 29 May 1968 at the age of 18. Your record reflects that on 14 January 1969 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and were awarded a \$25 forfeiture of pay. On 1 April 1969 you were convicted by special court-martial (SPCM) of two specifications of disobedience, misbehavior as a sentinel, and making a false official statement. You were sentenced to confinement at hard labor for three months, reduction to paygrade E-1, and a \$219 forfeiture of pay. On 25 August 1969 you received NJP for absence from your appointed place of duty and were awarded a \$25 forfeiture of pay and extra duty for two weeks. Shortly thereafter, on 30 September 1969, you were again convicted by SPCM of sleeping on post and failure to obey a lawful order. You were sentenced to a \$160 forfeiture of pay and confinement at hard labor for two months.

On 13 December 1969 you were convicted by SPCM of a nine day period of unauthorized absence (UA), assault, resisting arrest, and disrespect. You were sentenced to confinement at hard labor

for five months, a \$410 forfeiture of pay, and a bad conduct discharge (BCD). On 23 March 1970 you submitted a written request for a general discharge stating that you did not desire restoration to duty. The BCD was approved at all levels of review and on 25 June 1970 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you have suffered for years with battle fatigue. The Board also considered your contention that you were not given any drug rehabilitation treatment. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in two NJPs and three court-martial convictions. Further, the Board noted that there is no evidence in the record, and you submitted none, to support your contentions that you suffered from battle fatigue or were in need of drug rehabilitation. Given all the circumstances of your case, the Board concluded your discharge was proper as issued 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