



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

TJR
Docket No: 8189-00
11 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 of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 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 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 November 1963 at the age of 17. Your record reflects that you served for a year and three months without disciplinary incident but on 10 April 1965 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded confinement on bread and water for three days and a \$16 forfeiture of pay. On 10 April 1965 you received NJP for theft and disobedience. The punishment imposed was reduction to paygrade E-1 and an \$80 forfeiture of pay. On 30 April 1965 you were convicted by special court-martial (SPCM) of failure to go to your appointed place of duty and were sentenced to hard labor for a month and a \$60 forfeiture of pay. Shortly thereafter, on 1 July 1975, you received NJP for absence from your appointed place of duty and were awarded correctional custody for 20 days. On 20 December 1965 you were convicted by civil authorities of possession of a dangerous weapon and unauthorized use of a private automobile. You were sentenced to a \$100 fine and court costs.

Your record further reflects that on 21 April 1966 you received NJP for absence from your appointed place of duty and failure to obey a lawful order. The punishment imposed was reduction to paygrade E-1 and restriction for 15 days. On 4 May 1966 you were convicted by summary court-martial (SCM) of disobedience and were sentenced to confinement at hard labor for 20 days and a \$70 forfeiture of pay. During the period from 31 May to 22 September 1966 you were convicted by SPCM of escape and you received NJP on two occasions for disorderly conduct and sleeping on post.

On 28 March 1967 you were convicted by SPCM of escape and were sentenced to confinement at hard labor for six months, a \$510 forfeiture of pay, and a bad conduct discharge (BCD). On 19 September 1967 you submitted a written request for immediate execution of the BCD. Your request noted, in part, as follows:

I request to be discharged as soon as possible. I want to be discharged because I don't like the service and I know if I went back to duty I would end up in trouble again.

Subsequently, the BCD was approved at all levels of review and ordered executed. On 13 October 1967 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, combat history, and your contention that you had a drug and alcohol problem. The Board also considered your contention that you should receive clemency because draft dodgers were given full pardons. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct in both the military and civilian communities. Further, there is no evidence in your record, and you submitted none, to support your contention of drug and alcohol abuse. 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