



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

TJR
Docket No: 4158-02
11 December 2002

[REDACTED]

[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 10 December 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.

You enlisted in the Marine Corps on 23 January 1967 at the age of 17. On 6 June 1967 you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA) and were awarded correctional custody for seven days and a \$20 forfeiture of pay. On 10 October 1967 were convicted by special court-martial (SPCM) of a 73 day period of UA and were sentenced to confinement at hard labor for two months and a \$128 forfeiture of pay.

On 28 March 1968 you were convicted by SPCM of a 91 day period of UA and were sentenced to confinement at hard labor for six months and a \$408 forfeiture of pay. On 5 November 1968 you were again convicted by SPCM of a 181 day period of UA and escape. You were sentenced to confinement at hard labor for six months, a \$438 forfeiture of pay, and a bad conduct discharge (BCD).

On 16 July 1969 you submitted a written request for immediate execution of the BCD in which you stated that civilian life was better for you. The BCD was subsequently approved at all levels of review, and on 3 October 1969 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive and lengthy periods of UA. 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