



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

CRS  
Docket No: 4217-02  
12 August 2002

[REDACTED]

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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 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were inducted in the Marine Corps on 30 September 1966 after more than six months of prior active duty. The record reflects that you received nonjudicial punishment and were convicted by two special courts-martial. The offenses included unauthorized absences totalling 167 days. The second court-martial sentenced you to a bad conduct discharge, which was suspended.

A third special court-martial convened on 22 July 1968 and found you guilty of an unauthorized absence of 34 days. The court sentenced you to confinement at hard labor for six months, forfeitures of \$97 per month for six months, and a bad conduct discharge. You received the bad conduct discharge on 1 October 1968.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and family problems. 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 six months. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, resulting in another sentence to a bad conduct discharge. 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