



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

CRS
Docket No: 4432-01
12 July 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 July 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 enlisted in the Marine Corps on 15 August 1967 at age 18. A special court-martial convened on 28 February 1969 and found you guilty of an unauthorized absence of 90 days. The court sentenced you to to confinement at hard labor for six months, forfeitures of \$40 per month for six months, and a bad conduct discharge, which was suspended for six months.

A general court-martial convened on 12 August 1970 and found you guilty of an unauthorized absence of 372 days. The court sentenced you to hard labor for seven months, forfeitures of \$100 per month for seven months, reduction in pay grade, and a bad conduct discharge, which was suspended for 12 months. Subsequently, you were an unauthorized absentee from 26 October 1970 to 2 March 1971, a period of 126 days. On 28 April 1971 the suspended bad conduct discharge was ordered executed and you were so discharged on 20 May 1971.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and

immaturity. 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 19 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, that resulted in another sentence to a bad conduct discharge, which was also suspended. Nevertheless you continued your periods of unauthorized absence which resulted in the discharge being executed. 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