



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

CRS
Docket No: 6516-02
9 September 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 28 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 enlisted in the Marine Corps on 28 February 1974 at age 17. The record reflects that you received two nonjudicial punishments. The offenses included failure to obey a lawful order and assault on two occasions.

On 11 June 1974 the commanding officer recommended that you be separated with a general discharge by reason of unsuitability due to a defective attitude. After review by the discharge authority, the recommendation was approved and on 18 June 1974 you were separated with a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you should be reinstated in the Marine Corps as a Federal procurement military war attorney. However, the Board concluded that these factors were not sufficient to warrant reinstatement, given the two disciplinary actions you received in less than four months of service, and since you were properly and appropriately discharged in June 1974, and have not

had any military status since that time. 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