



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

CRS  
Docket No: 8694-02  
11 September 2003

[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 of the 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 September 2003. 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 20 June 1969. On 28 December 1969, you departed on a period of unauthorized absence (UA). While UA you were apprehended by civil authorities. The record reflects that on 1 April 1970 you were convicted in civil court of car theft. While not in the record, it appears that the court sentenced you to confinement for at least 13 months.

Although your record does not contain the separation processing documents, it also appears that the commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to civil conviction and, after review by the discharge authority, the recommendation for separation was approved. The record clearly shows that on 21 August 1970 you received an undesirable discharge.

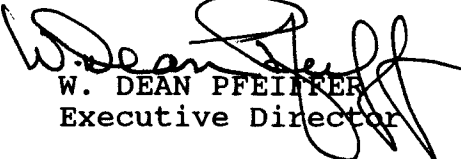
On 17 February 1978 the Naval Discharge Review Board (NDRB) changed the characterization of the discharge to general under the provisions of the Special Discharge Review Program. However, on 24 July 1978 NDRB declined to confirm the general discharge

under its uniform discharge review standards, thus denying you veterans' benefits.

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 further recharacterization of your discharge or confirmation of the general discharge given the unauthorized absence, from which you never returned, and especially the seriousness of your civil conviction. 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