



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

TJR  
Docket No: 1912-07  
26 August 2008

[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 26 August 2008. 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 7 January 1965 at age 17. You served for a year and seven months without disciplinary incident, however, on 23 August 1966, you received nonjudicial punishment (NJP) for wrongfully igniting an illumination grenade.

During the period from 12 May to 17 November 1967 you were convicted by special court-martial (SPCM) of a 10 day period of unauthorized absence (UA) and received NJP on two more occasions for absence from your appointed place of duty and wrongful possession of a firearm. On 29 April 1968 you received your fourth NJP for failure to obey a lawful order.

On 11 September 1969 you were convicted by SPCM of a 227 day period of UA and sentenced to confinement at hard labor for five months, a \$410 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Shortly thereafter, you waived your right to request restoration to duty and further requested that the BCD be immediately executed. Subsequently, the BCD was approved at all levels of review and on 9 December 1969 you were so discharged. Nonetheless, upon satisfactory completion of

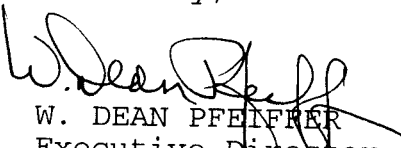
reconciliation service, you were issued a Certificate of Completion from the Selective Service System. On 1 November 1975, in accordance with a recommendation of the Presidential Clemency Board, you received an executive grant of clemency and a pardon pursuant to Presidential Proclamation 4313.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and request to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the frequency and seriousness of your misconduct and lengthy period of UA from the Marine Corps. Further, the Board concluded that although your discharge was changed to a clemency discharge, recharacterization to honorable or general under honorable conditions was not 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