



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

TRG

Docket No: 5237-07

5 February 2008

[REDACTED]

[REDACTED]

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

You enlisted in the Marine Corps Reserve on 30 March 1972 at age 18. You reported for an initial period of active duty on 7 April 1972 and were released from active duty on 4 October 1972, a period of five months and 26 days with your service characterized as honorable. During this period, you received nonjudicial punishment (NJP) for disrespect.

On 1 September 1973, you were ordered to involuntary active duty because you were not attending the required reserve drills. During the period from 2 December 1973 to 11 March 1975, you received NJP and were convicted by two special courts-martial. Your offenses were three periods of unauthorized absence totaling about 153 days. The sentence of the second special court-martial included forfeitures of pay, confinement at hard labor and a bad conduct discharge. Subsequently, a portion of the confinement and the bad conduct discharge were suspended for a probationary period of six months. You were then an unauthorized absentee on four occasions totaling about 205 days. On 7 April 1976, the suspension was vacated and you received the bad conduct discharge on 29 April 1976.

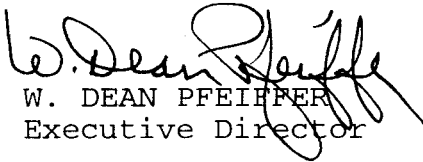
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, low score on

the aptitude test and your contention that your misbehavior occurred because you were upset following the death of your infant son. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your multiple lengthy periods of unauthorized absence and your extensive disciplinary record. The Board believed that the pattern of your disciplinary record was indicative of willful misconduct. The Board concluded that the discharge was proper as issued and no change 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