



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

SJN  
Docket No: 06575-07  
28 May 2008

[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 21 May 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 10 August 1972 at age 17. On 27 March and 24 May 1973, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA), totaling three days, and sleeping on post.

On 22 June 1973, you began a period of UA that lasted 46 days, ending on 7 August 1973. Based on the information currently contained in your record it appears that you submitted a written request for a good of the service discharge in order to avoid trial by court-martial for the UA period. However, your request was disapproved on 12 October 1973, and on 19 November 1973, you were convicted by special court-martial (SPCM) of a 46 day period of UA, disrespect, and two instances of disobedience. You were sentenced to confinement at hard labor and a forfeiture of pay.

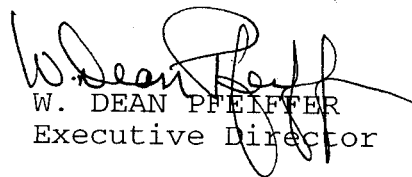
On 14 May 1974, you were counseled and warned that further misconduct could result in administrative discharge action. During the period from 17 May 1974 to 15 April 1975, you received three additional NJP's for disobedience, two specifications of failure to go to your appointed place of duty, and six instances of absence from your appointed place of duty.

On 26 June 1975, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). The discharge authority then directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 29 July 1975.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge because of the five NJP's, three of which were imposed after you were counseled and warned about the consequences of further misconduct, and conviction by SPCM for a lengthy period of UA. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. 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