



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

CRS
Docket No: 7393-07
1 February 2008

[REDACTED]

This is in reference to your application for correction of your r late husband's 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 husband's 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 your husband enlisted in the Marine Corps on 14 November 1962. He received two nonjudicial punishments and was convicted by summary and special courts-martial. His offenses included unauthorized absences and failure to obey a lawful order. On 7 October 1966 he made a sworn statement in which he admitted to drug use and having engaged in homosexual acts with civilians.

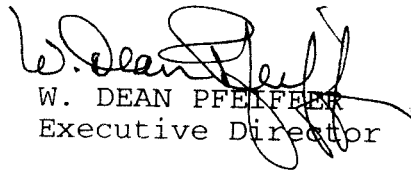
On 10 April 1967 an administrative discharge board recommended that your husband be separated from the Marine Corps by reason of unfitness, with an undesirable discharge. He was discharged on 12 May 1967 in accordance with the approved recommendation of the administrative discharge board.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your husband's service in Vietnam, his receipt of the Purple Heart, and the fact that you would be entitled to a burial flag if your request is granted. The Board concluded that those factors are insufficient to warrant recharacterization of his service, given the circumstances of his discharge, his extensive prior disciplinary record, and his admitted use of illegal drugs. 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