



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

RDZ:ecb  
Docket No. 09497-07  
6 June 2008



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 3 June 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.

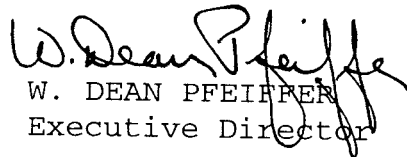
You enlisted in the Marine Corps on 3 November 1970 at age 17. Prior to the offense which resulted in your undesirable discharge you received three nonjudicial punishments (NJP) for absence from appointed place of duty, unauthorized absence and breaking restriction. On 6 November 1972, after having consulted with military counsel, you requested an undesirable discharge in lieu of being tried by court-martial for 111 days of unauthorized absence. Your request was granted and as a result you were spared the stigma of a court-martial conviction and the potential penalties of a bad conduct discharge and confinement hard labor.

In its review of your application the Board concluded that considerable clemency was extended to you when your request for discharge to avoid trial court-martial was approved and having received the benefit your bargain it should not be changed now. Moreover the Board also took into account your prior disciplinary record of three NJPs and the fact that your 111 days of UA was terminated not by your voluntary surrender but by apprehension.

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