



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

SMW
Docket No: 10115-07
10 July 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 9 July 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.

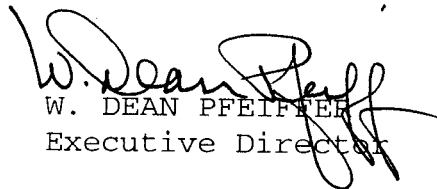
On 7 December 1979, you enlisted in the Marine Corps at age 17 with parental consent. On 12 February 1981, you had nonjudicial punishment for breaking restriction, four instances of unauthorized absence (UA), and sleeping on post. On 18 February 1981, you were convicted by a summary court-martial for two instances of failure to go to your appointed place of duty, a day of UA, and disobedience of a lawful order. On 6 July 1981, you began a UA that ended on 31 October 1981, a period of about 117 days. You subsequently requested an other than honorable discharge for the good of the service to avoid trial by court-martial for this offense. However, the separation authority disapproved your request. On 10 December 1981, you were convicted by a special court-martial of the 117 day period of UA. The sentence included confinement, forfeitures of pay, and a bad conduct discharge

(BCD). On 22 April 1982, your request for clemency was denied. After the BCD was approved at all levels of review, on 9 December 1982, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct. Therefore, 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