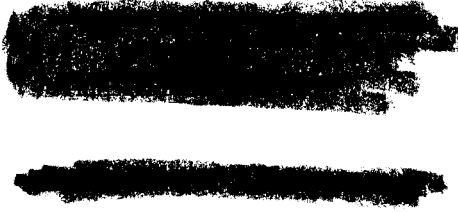




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BAN  
Docket No: 01130-08  
9 September 2008



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 September 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 22 March 1973 and served without disciplinary incident until December 1974, when you received a nonjudicial punishment (NJP) for insubordinate conduct.

Shortly thereafter, you were charged and found guilty at the following NJP's: on 26 March 1974, unauthorized absence (UA) and insubordinate conduct, on 23 May 1975, provoking speech or gesture and dereliction of duty, and on 3 June 1975, insubordinate conduct and loss of government property. In November 1975, you were pending a special court-martial (SPCM) for a UA. However, in September 1976, after consulting with legal counsel, you requested an administrative separation for the good of the service with an other than honorable (OTH) discharge in lieu of a SPCM. On 5 October 1976, the separation authority

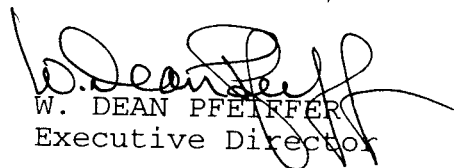
approved this request and directed an OTH discharge with a RE-4 reenlistment code, and on 13 October 1976, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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