



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

BAN
Docket No: 01189-08
23 September 2008

[REDACTED]

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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 23 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 in December 1967 and served without disciplinary incident until 4 September 1969, when you were convicted in civilian court on charges of larceny and were sentenced to 30 days in the county jail.

Shortly thereafter, on 31 March 1970, you were convicted at a special court-martial for an unauthorized absence (UA) of approximately seven months. On 9 May 1970, you received nonjudicial punishment (NJP) for the possession of an illegal substance, and on 20 July 1970, you received another NJP for the possession of marijuana and stolen property.

In August 1971, you were UA and on 4 October 1971, you were declared a deserter. You were apprehended by civilian authorities in California and returned to military jurisdiction.

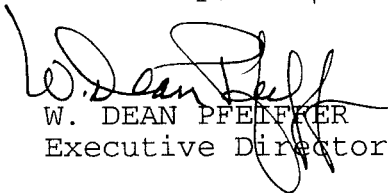
In January 1972, you were recommended for separation under other than honorable (UOTH) conditions to avoid trial by court-martial. In February 1979, the separation authority approved the recommendation and directed an UOTH discharge, and on 2 February 1979, you were so discharged.

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