



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

SMS
Docket No: 7244-08
27 March 2009

[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 25 March 2009. 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.

On 27 April 1972, you enlisted in the Marine Corps at age 17 with parental consent. On 23 January 1973, you had nonjudicial for two instances of unauthorized absence (UA) totaling 12 days. On 15 February 1973, you were convicted by a summary court-martial (SCM) of two instances of UA totaling seven days and three instances of failure to go to your appointed place of duty. On 3 April 1973, you were counseled regarding your misconduct and warned that further infractions could result in administrative separation. On 2 May 1973, you were convicted by a SCM of going from your appointed place of duty, one day of UA, two instances of failure to go to your appointed place of duty, and disobedience of a lawful order. On 16 May 1973, you were given a verbal reprimand for disobedience of a lawful order.

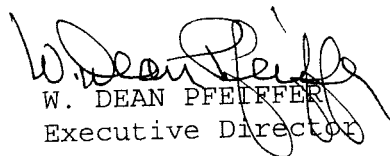
On 16 May 1973, your commanding officer initiated administrative separation by reason of unfitness due to frequent discreditable involvement. In connection with this processing, you acknowledged that separation could result in an undesirable discharge (UD) and waived the right to have your case heard by an administrative discharge board (ADB). On 19 June 1973, the separation authority

approved the recommendation and directed a UD by reason of unfitness due to frequent discreditable involvement. On 29 June 1973, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and explanation regarding your offenses. Nevertheless, the Board concluded that these factors and explanation were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in administrative separation. The Board also noted that you waived the right to have your case heard by an ADB, which was your best opportunity for retention or a more favorable characterization of service. 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 PFELFFER
Executive Director