



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

TJR  
Docket No: 9486-08  
13 August 2009

[REDACTED]

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 11 August 2009. The names and votes of the members of the panel will be furnished upon request. 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 4 November 1965 at age 19 and served without disciplinary incident until 22 April 1966, when you received nonjudicial punishment (NJP) for disobedience.

On 26 January 1967 you were convicted by special court-martial (SPCM) of an 80 day period of unauthorized absence (UA) and on 20 July 1967 you were convicted by summary court-martial (SCM) of a 76 day period of UA.


On 19 March 1968 you were again convicted by SPCM of a 100 day period of UA. You were sentenced to confinement at hard labor for six months, a \$240 forfeiture of pay, and a bad conduct discharge (BCD), all of which was suspended for six months. Nonetheless, on 25 March 1969, you were convicted by SPCM of a 252 day period of UA and sentenced to a \$270 forfeiture of pay, and confinement at hard labor for six months. On 21 April 1969,

the 19 March 1968 suspended sentence was vacated due to your continued misconduct as evidenced by the 25 March 1969 SPCM. Subsequently, the BCD was approved at all levels of review and on 22 August 1969 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 and desire to upgrade your discharge. It also considered your assertion that you requested a hardship discharge so that you could provide help to your mother. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive and lengthy periods of UA. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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