



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

RDZ:ecb  
Docket No. 10303-08  
31 August 2009

[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 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 August 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.

You enlisted in the Marine Corps 29 December 1970. On 28 March 1972 you were tried and convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totaling 175 days. On 14 August 1975, after consulting with a military lawyer you requested that the Marine Corps issue you an undesirable discharge in order to avoid court-martial for four additional periods of UA totaling 571 days, three of which were terminated by apprehension. Your request was granted thereby allowing you to avoid being sentenced to a bad conduct discharge and a substantial period of confinement at hard labor. Your

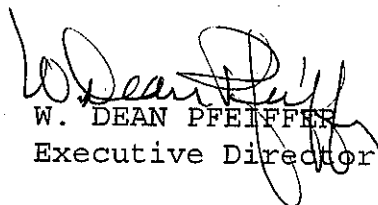
record also reflects that during one of these last periods of UA you were arrested by civil authorities in Badin, North Carolina and subsequently convicted of possession of marijuana.

In its review of your application the Board concluded that in view of your repeated and lengthy periods of UA your discharge was proper as issued and should not be changed now as a matter of clemency. In this regard the Board believed considerable clemency was extended to you when Marine Corps officials granted your request for administrative separation in lieu of a court-martial.

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