



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

REC
Docket No: 00589-09
24 November 2009

[REDACTED]

[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 18 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 31 March 1972, at the age of 18. On 13 September 1972, you received nonjudicial punishment (NJP) for being in an unauthorized absence status (UA). On 26 September 1972, you received NJP for an additional UA and breaking restriction. On 2 July 1974, you were convicted at a special court-martial (SPCM) for numerous periods of UA totaling 364 days. You were sentenced to receive a forfeiture of \$1,000, confinement to hard labor and to receive a bad conduct discharge (BCD). On 7 November 1974, you received a third NJP for an additional 16 days of UA. On 30 January 1975, you were convicted at civil court in Riverside, California for burglary and sentenced to 60 days confinement and two years probation. After appellate review, on 21 March 1975, you received your BCD.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's, conviction by SPCM and civil conviction. 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