



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

REC  
Docket No: 02100-09  
10 December 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 9 December 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.

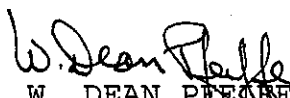
You enlisted in the Marine Corps on 1 December 1971, at age 17. On 22 February 1972, you were convicted at a special court-martial (SPCM) for using indecent language, stealing a bottle of whiskey from Eastern Airlines, four instances of assault to an airline stewardess, being drunk and disorderly, and communicating indecent and insulting language toward the same stewardess. You were sentenced to a forfeiture of \$576, and confinement for three months. On 2 June 1972, you received nonjudicial punishment (NJP) for failure to lock your wall locker and having food in the barracks. On 21 July 1972, you received NJP for an unauthorized absence (UA). On 28 August 1972, you received NJP for failure to go to your appointed place of duty and wrongful possession of two identification cards. On 25 October 1972, you received NJP for UA, disobeying a lawful order and being disrespectful in language toward a senior noncommissioned officer. On 30 December 1972, you were convicted at a summary court-martial (SCM) for three occasions of failure to go to your appointed place for duty, breaking curfew and wrongful possession of marijuana. You were sentenced to forfeiture of \$192, reduction to pay grade E-1 and 60 days restriction. On 2 January 1973, you were convicted at a SPCM for being disrespectful toward a superior commissioned officer, wrongfully communicating a threat to injure a fellow

Marine, and four instances of breaking restriction. You were sentenced to a forfeiture of \$600, confinement at hard labor for five months, and to receive a bad conduct discharge (BCD). After appellate review, on 17 October 1973, you received the 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 four NJP's, convictions at two SPCM's and one SCM. 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