



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

TAL  
Docket No: 02936-09  
8 January 2010

[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 16 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.

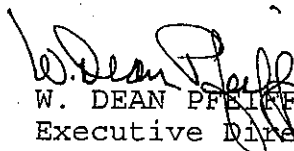
You enlisted in the Marine Corps and began a period of active duty on 15 December 1969 at age 19. On 22 January 1970, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 27 January 1970, you received NJP for UA from your unit. On 29 January 1970, you received NJP for UA from your unit. On 2 February 1970, you received NJP for a three day period of UA from your unit, escaping from military custody and destroying public records (confinement orders). On 5 May 1970, you were convicted by summary court-martial (SCM) for a 27 day period of UA from your unit, impersonating a petty officer and larceny. On 28 May 1970, you began a 107 day period of UA which ended when you were apprehended on 12 September 1970. On 5 October 1970, you began a 270 day period of UA which ended when you were apprehended on 2 July 1971. On 11 August 1971, you began a 1,260 day period of UA which ended when you surrendered on 15 October 1974. On 16 October 1974, you requested to be voluntarily discharged from the Marine Corps for the good of the service, under the provisions of Presidential Proclamation 4313. On 16 October 1974, the separation authority approved and directed an other than honorable discharge for the good of the

service.

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 the seriousness of your misconduct that resulted in four NJPs and one SCM and periods of UA that totaled more than four years and four months. Finally, the Board noted that based on the information currently contained in your record it appears the Presidential Clemency Board issued you a clemency discharge based upon your completion of alternate service pursuant to Presidential Proclamation 4313. However, this recharacterization does not entitle you to benefits administered by the Department of Veterans Affairs (DVA). The Board concluded that a further change, which would make you eligible for DVA benefits, was not 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 PFEIFFER  
Executive Director