



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

CRS  
Docket No: 3733-09  
28 July 2009

[REDACTED]

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This is in reference to your request for further consideration of 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 15 July 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.

The Board found that you enlisted in the Marine Corps on 25 January 1968. A special court-martial convened on 4 February 1969 and found you guilty of an unauthorized absence of 205 days and failure to obey a lawful order. On 18 February 1969 you broke restriction and you were declared a deserter on 4 March 1969. On 17 December 1969 you were convicted by civil authorities of passing a forged check and sentenced you to confinement for two years.

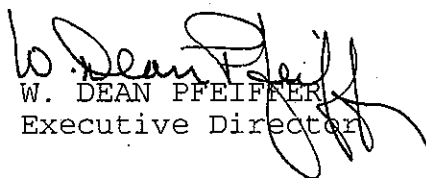
On 13 May 1970 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to civil conviction. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 16 October 1970 with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the contention that you were not a deserter. The Board found those factors insufficient to warrant recharacterization of your discharge, given the nature and severity of your military and civilian offenses. 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