



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

CRS
Docket No: 6517-09
12 November 2010

[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 10 November 2010. 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 8 June 1964. You received nonjudicial punishment on two occasions for offenses that included two periods of unauthorized absence.

A special court-martial convened on 28 December 1967 and found you guilty of five periods of unauthorized absence. The court sentenced you to confinement at hard labor for three months, forfeiture of \$40.00 per month for three months, reduction in rank, and a bad conduct discharge. You were separated from the Marine Corps with a bad conduct discharge on 14 March 1968.

On 24 March 1976 you were issued a clemency discharge, which restored your civil rights but did not accord you veterans benefits.

The Board did not accept your unsubstantiated contention to the effect that your misconduct was related to the symptoms of undiagnosed posttraumatic stress disorder. It concluded that in view of your extensive record of misconduct, a bad conduct

discharge was appropriate in your case. Accordingly, and as you have not demonstrated that it would be in the interest of justice to upgrade your discharge as a matter of clemency 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