



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

TJR  
Docket No: 6582-09  
3 June 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 2 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 10 July 1973 at age 18 and served without disciplinary incident until 27 February 1974, when you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 13 days. During the period from 30 May 1974 to 19 February 1975 you were in a UA status on six occasions for 132 days, however, the record does not reflect the disciplinary action taken, if any, for this misconduct.

On 30 May 1975 you received NJP for a 16 day period of UA. You were again in a UA status on two more occasions from 2 to 19 June 1975 for a total of nine days. The record does not reflect the disciplinary action taken, if any, for these periods of UA. On 14 July 1975 you received your third NJP for absence from your appointed place of duty.

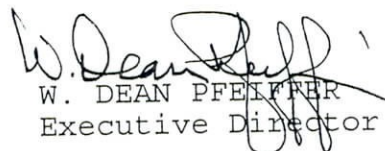
On 9 January 1976 you were convicted by special court-martial (SPCM) of stealing \$1,150, three specifications of forgery, and making a false identification card. You were sentenced to confinement at hard labor for five months, a \$1,200 forfeiture of

pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 7 and 8 June 1976 you received NJP for failure to go to your appointed place of duty and two specifications of disobedience. Subsequently, the BCD was approved at all levels of review, and on 19 November 1976, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you were not afforded proper representation and as such did not understand the consequences of your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA from the Marine Corps, and your misconduct which resulted in five NJPs and a SPCM. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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