



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

TJR
Docket No: 6848-09
10 June 2010

[REDACTED]

[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 8 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.

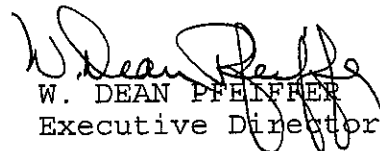
You enlisted in the Marine Corps on 15 September 1969 at age 20 and served without disciplinary incident until 14 August 1970, when you received nonjudicial punishment (NJP) for misbehavior as a sentinel. The punishment imposed was a \$50 forfeiture of pay, restriction for 14 days, and reduction to paygrade E-1.

On 24 March 1971 you received NJP for absence from your appointed place of duty. Shortly thereafter, on 31 March 1971, you were convicted by summary court-martial (SCM) of larceny of government property valued at \$60 and wrongful deposit of U.S. mail. On 28 September 1971 you were convicted by special court-martial (SPCM) of larceny of \$80, the property of another Marine. You were sentenced to confinement at hard labor for three months and a bad conduct discharge (BCD). On 17 April 1972 you submitted a written request for restoration to duty and clemency, however, on 30 June 1972, this request for denied. Subsequently, the BCD was approved at all levels of review, and on 7 November 1972, 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, post service conduct, and desire to upgrade your discharge. It also considered your explanation for your offenses of larceny. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct. 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 PFENNER
Executive Director