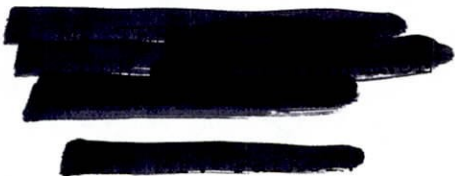




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 11162-09
12 August 2010



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 10 August 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 22 June 1972 at age 18. You served for about four months without disciplinary incident, but on 21 February 1973, you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling 50 days. Shortly thereafter, on 23 April 1973, you were convicted by special court-martial (SPCM) of two periods of UA totalling 18 days.

On 31 January 1974 you were convicted by SPCM of a 50 day period of UA and sentenced to confinement at hard labor for five months, a \$1,290 forfeiture of pay, and a bad conduct discharge (BCD). On 5 June 1974 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 7 February 1975 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. 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. 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