



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

BAN

Docket No: 12600-09

2 September 2010



[REDACTED]

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 18 August 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.

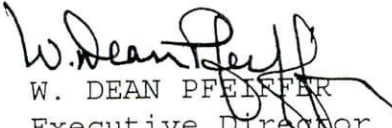
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Marine Corps on 4 June 1968. You received nonjudicial punishment for an unauthorized absence (UA) of one day and disrespect. You were convicted at a special court-martial of UA (451 days). Your sentence included a bad conduct discharge (BCD). On 20 January 1972, after appellate review, you received the BCD. By letter dated 12 December 1975, a copy of which is enclosed, you were granted a clemency discharge for your UA offense pursuant to Presidential Proclamation 4313, a copy of which is enclosed. Your clemency discharge does not

entitle you to any benefits provided by the Department of Veterans Affairs. You were given a Clemency Discharge (DD Form 1953N), however, the form itself was cancelled on 7 August 1987, so I cannot provide you with a copy for your files.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, Vietnam service, and desire for veterans' benefits. However, the Board concluded that your clemency discharge should not be changed to a general characterization of service with benefits due to your lengthy period of UA. In view of the above, 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

Enclosures