



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

BAN
Docket No: 1069-10
19 September 2011

[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, 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 15 September 2011. 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.

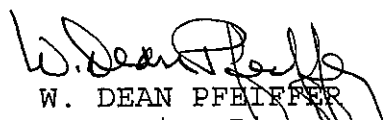
You enlisted in the Marine Corps on 7 December 1970, and served without disciplinary incident until 19 July 1971, when you received nonjudicial punishment (NJP) for unauthorized absence (UA). Shortly thereafter, on 1 December 1971, you were convicted at a special court-martial of two specifications of larceny. Your sentence included a bad conduct discharge (BCD). In addition, on 17 February 1972, you received NJP for three specifications of disobeying a lawful order. Therefore, on 14 June 1972, after appellate review, you were separated with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your claim that you were a prisoner of war (POW) in Cambodia at the time of your SPCM and were not able to defend yourself and

face your accusers. However you have offered no supporting documentation to support your claim, and your service record does not show that you were ever a POW. Therefore, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Accordingly, 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