



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

SJN:tjr
Docket No: 3451-10
11 February 2011

[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 9 February 2011. 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 30 January 1973 at age 20 and began a period of active duty on 15 February 1973. You served without disciplinary incident until 17 July 1973, when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). On 17 December 1973 you received NJP for an eight day period of UA.

During the period from 28 February to 6 May 1974 you received NJP on three more occasions for three periods of UA totalling 36 days and breaking restriction. On 11 November 1974 you were convicted by special court-martial (SPCM) of a 127 day period of UA and sentenced to confinement at hard labor for three months and a \$450 forfeiture of pay.

On 6 February 1975 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 20 March

1975 you received your sixth NJP for absence from your appointed place of duty and were awarded extra duty for seven days. On 24 April 1975 an ADB recommended discharge under other than honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Subsequently, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of unfitness. On 9 May 1975 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness, and on 27 May 1975, you were so discharged.

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 of racism. Nevertheless, the Board concluded 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 which resulted in six NJPs and a SPCM. Finally, there is no evidence in the record, and you submitted none, to support your assertion of racism. 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