



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

TJR
Docket No: 6130-10
8 April 2011

[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 5 April 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 26 September 1969 at age 17 and served for a year without disciplinary incident. However, on 20 November 1970, you were convicted by summary court-martial (SCM) of wrongful possession of marijuana. Nearly a year later, on 18 October 1971, you received nonjudicial punishment (NJP) for smoking on post.

On 30 May 1972 you received NJP for a two day period of unauthorized absence (UA) and were awarded an oral reprimand. On 12 September 1972 you were convicted by civil authorities of failure to appear in court for a traffic violation and were sentenced to a \$15 fine. On 25 September and 28 November 1972 your command received two letters of indebtedness resulting from your failure to pay just debts. On 30 January 1973 your command received a third letter of indebtedness from the base hobby shop.

During the period from 7 February to 20 April 1973 you received NJP for a four day period of UA and were convicted on two occasions by civil authorities of negligent driving and two

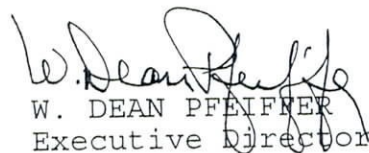
counts of failure to stop at a stop sign. You also cashed a check with insufficient funds, and your command received two more letters of indebtedness.

Subsequently, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 23 May 1973, an ADB recommended discharge under other than honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities and a pattern of misconduct. On 8 June 1973, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of unfitness. On 20 June 1973 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 29 June 1973, 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, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities. 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