



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

TJR
Docket No: 10254-10
8 July 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 6 July 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 9 February 1970 at age 19 and served for about five months without disciplinary incident, but on 17 July 1970, you received nonjudicial punishment (NJP) for an 11 day period of unauthorized absence (UA). On 18 November 1970 you were convicted by summary court-martial (SCM) of a 14 day period of UA.

During the period from 15 January until 28 December 1971, you received NJP on seven more occasions. Your offenses were four periods of UA totalling 44 days, breaking restriction, disobedience, being incapacitated as sentry, absence from your appointed place of duty, and drunk and disorderly conduct. You also received four letters of indebtedness totalling \$616.

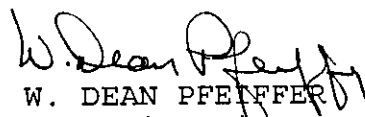
On 11 January 1972 you received your ninth NJP for lying down as sentinel. Shortly thereafter, on 17 January 1972, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature

with military or civilian authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 23 March 1972 an ADB recommended an undesirable discharge by reason of unfitness due to the frequent involvement of a discreditable nature with military authorities. Subsequently, your commanding officer, in concurrence with the ADB, also recommended an undesirable discharge by reason of unfitness due to the frequent involvement of a discreditable nature with military authorities. On 10 April 1972 the discharge authority approved these recommendations, and on 25 April 1972 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, assertion of alcoholism, 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 which resulted nine NJPs and conviction by SCM. Finally, applicable directives state, in part, that even if a Marine is processed for separation by reason of a medical condition, such as alcoholism, if the Marine meets the requirements of another reason for separation, such as unfitness, the Marine will be separated for the latter reason. 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