



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

TJR  
Docket No: 11000-10  
20 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 19 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 15 November 1965 at age 17 and served without disciplinary incident until 8 June 1966, when you were convicted by special court-martial (SPCM) of attempted theft of \$40. On 21 December 1966 you received nonjudicial punishment (NJP) for theft of a watch.

On 18 February 1967 you were convicted by SPCM of absence from your appointed place of duty, failure to obey a lawful order, resisting arrest, and theft of a television set. About six months later, on 16 August 1967, you were again convicted by SPCM of making a false official statement and absence from your appointed place of duty. On 2 October 1967 you received NJP for absence from your appointed place of duty. On 1 April 1968 you received your third NJP for two periods of absence from your appointed place of duty.

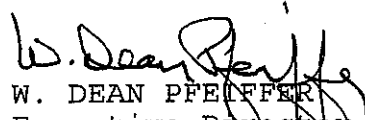
On 24 January 1969 you were convicted by SPCM of a 34 day period of unauthorized absence (UA). You were sentenced to confinement

at hard labor for three months, a \$285 forfeiture of pay, and a bad conduct discharge (BCD). On 16 April 1969 you waived restoration to duty and submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 18 April 1969, you were issued a BCD.

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. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs and four court-martial convictions. 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