



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 01694-11
10 January 2012

[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 5 January 2012. 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.

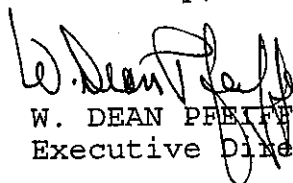
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered active duty in the Marine Corps on 2 May 1967, and served without incident until 5 August 1967, when you received nonjudicial punishment (NJP) for sleeping on post. In late February 1968, you entered an unauthorized absence (UA) status. On 23 April 1968, you were apprehended by the Federal Bureau of Investigation and returned to military jurisdiction. On 29 April 1968, you were convicted at a summary court-martial for UA in excess of three months. Additionally, on 26 July 1968, you pled guilty and were convicted in civil court of forgery. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to civil conviction. You waived your right to consult with counsel and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 19 September 1968, you were separated with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim that while in a military hospital you were unduly influenced by people who were using drugs and alcohol. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to the serious nature of your civil conviction and lengthy period of UA. 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