



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

TJR
Docket No: 3362-11
13 January 2012

[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 12 January 2012. 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 3 April 1972 at age 19 and began a period of active duty. You served for nearly a year without disciplinary incident, but on 25 April 1973, you were convicted by special court-martial (SPCM) of a 44 day period of unauthorized absence (UA). On 26 November 1973 you received nonjudicial punishment (NJP) for a one day period of UA and drunk and disorderly conduct. About two months later, on 9 January 1974, you received NJP for a two day period of UA.

On 19 March 1975 you were convicted by general court-martial (GCM) of two periods of UA totalling 107 days. You were sentenced to confinement at hard labor for 75 days, a \$525 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for immediate execution of the BCD. After the BCD was approved at all levels of review, on 2 August 1975, 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, post service conduct, and desire to upgrade your discharge. It also considered your assertion of having to serve in a hostile environment. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct and your repetitive and lengthy periods of UA from the Marine Corps. Finally, there is no evidence in the record, and you provided none, to support your assertion. 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