



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

BAN
Docket No: 04992-11
21 February 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 15 February 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 had prior active duty service in the Marine Corps from 1962 to 1964, in which you received an honorable discharge. You reenlisted on 5 August 1964, and served without disciplinary incident until 18 July 1968, when you received nonjudicial punishment for an unauthorized absence (UA) in excess of 11 days. Shortly thereafter, you were in a UA status for approximately nine months. You requested, through counsel to be separated in lieu of a trial by court-martial. However, your request was denied. On 25 August 1970, you were convicted at a special court-martial (SPCM) of UA in excess of nine months. You were sentenced to receive a bad conduct discharge (BCD); however, it was suspended, but later vacated due to further misconduct. Therefore, you were separated with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM. You received the BCD after appellate review on 8 April 1971.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, mental state, prior honorable service, and your Combat Action Ribbon for service in Vietnam. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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