



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

TAL
Docket No: 5885-11
22 March 2012

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 14 March 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 enlisted in the Marine Corps and began a period of active duty on 27 August 1968 at age 18. On 6 September 1968, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 13 September 1968, you were UA from your unit until you were apprehended on 14 September 1968 by civil authorities in Moriarty, North Dakota, and charged with interstate transportation of a stolen motor vehicle. On 11 October 1968, you were convicted of interstate transportation of a stolen motor vehicle and confined for treatment and supervision by the Youth Corrections Division of the Board of Parole. On 11 November 1968, you were notified of pending administrative discharge processing with an undesirable discharge (UD) due to misconduct (civil conviction). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 31 January 1969, you

received the UD for misconduct (civil conviction). On 9 November 1977, the Department of Defense Discharge Special Discharge Review Board (SDRB) changed the characterization of your UD to general under honorable conditions.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an NJP and a civil conviction. Finally, the Board noted that your characterization of service was changed to general under honorable conditions by the SDRP, but concluded that a further change was not warranted. 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