



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

REC
Docket No: 04019-12
27 February 2013



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 21 February 2013. 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 12 December 1977, at age 17. On 17 October 1979, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for 14 days. On 5 November 1979, you received NJP for being UA on two occasions totaling 17 days. On 14 December 1979, you received NJP for being UA for 34 days and sleeping on watch. On 6 June 1980, you received NJP for two incidents of failure to go to your appointed place of duty, and being UA for over two hours. On 19 November 1980, you were convicted by a special court-martial (SPCM) of being absent from your appointed place of duty, being UA for one day, failure to go to your appointed place of duty, being disrespectful toward a commissioned officer on two occasions, willful disobedience of a lawful order, wrongfully communicating a threat to a commissioned officer, being drunk and disorderly in public, and being drunk and

disorderly within the company area. You were sentenced to a forfeiture of \$1,000, reduction in pay grade, confinement at hard labor for two months, and a bad conduct discharge (BCD). Your misconduct continued and on 12 March 1981, you received NJP for being UA for three days. The discharge authority directed the execution of your BCD. On 22 August 1983, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of five NJP's, and conviction by a SPCM of serious offenses. 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