



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 07448-12
9 July 2013

[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 25 June 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.

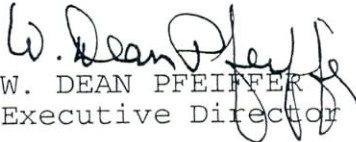
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 21 June 1974. The Board found that during the period from 1 February to 3 April 1975, you received four nonjudicial punishments (NJP's) for two instances of being absent from your appointed place of duty, failure to go to your appointed place of duty, breaking restriction and wrongful possession of marijuana. On 10 May 1975, you were counseled regarding your frequent involvement with military authorities and warned that further misconduct could result in administrative discharge action. On 3 July and 18 August 1975, you received NJP for two periods of unauthorized absence (UA) totaling 35 days. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). The separation authority directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 15 October 1975.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, character letters, post service accomplishments, and contention that racism contributed to your misconduct. Nevertheless, the Board found that these factors and contention were not sufficient to warrant any change in your discharge given your six NJP's, two of which were after you were warned of the consequences of further misconduct. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. Concerning your contention, there is no evidence in the record to support it, and you submitted no such evidence. 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