



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

SJN
Docket No: 00437-13
23 October 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 22 October 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.

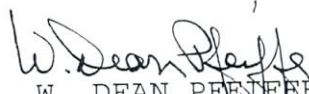
You enlisted in the Marine Corps and began a period of active duty on 24 April 1967. The Board found that on 15 February 1968, you were convicted by special court-martial (SPCM) of three specifications of unauthorized absence (UA) totaling 85 days, disobedience and breaking restriction. You were sentenced to confinement at hard labor, a forfeiture of pay and a bad conduct discharge (BCD). On 20 February 1968, the convening authority approved the sentence. However, on 7 March 1968, the supervisory authority approved the sentence but suspended your BCD for the period of confinement and six months thereafter. On 24 April 1969, you received nonjudicial punishment (NJP) for disobedience. On 17 July and 17 December 1970, you were convicted by summary court-martial (SCM) of using disrespectful language, disobedience, and being out of uniform. Subsequently, administrative discharge action was initiated and it was recommended that you receive an undesirable discharge by reason of unfitness. You were notified of pending administrative

separation action. You elected to have your case heard by an administrative discharge board (ADB), which recommended that you be discharged from the service with an undesirable discharge due to unfitness. Your case was forwarded and you received an undesirable discharge on 12 February 1971.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, Vietnam service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your SPCM, and the fact that you were given an opportunity for retention and to earn a better characterization of service when your BCD was suspended for one year. Additionally, you received NJP's and were convicted by two SCM's during your probation period and time of war. 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