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

CRS
Docket No: 3990-98
24 August 1999

[redacted]

Dear [redacted]

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 28 July 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 1 May 1972 at age 17. You reported for initial active duty for training on 5 May 1972. Upon completion of this training on 4 November 1972 you were assigned to a Marine Corps Reserve unit. However, due to your failure to attend regularly scheduled drills, on 20 December 1973 you were ordered back to active duty for 18 months. Subsequently, you received two nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling 47 days, absence from your appointed place of duty and dereliction of duty. On 16 January 1975 you were convicted by civil authorities of failing to appear in court, turning movements and required signals, and speeding. On 25 February 1975 you were convicted by a special court-martial of an unauthorized absence of 29 days.

On 19 April 1975 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board.

After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 14 May 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and limited education. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with civilian and military authorities. The Board especially noted the fact that you were the subject of four disciplinary actions and a civil conviction within a period of somewhat more than three years. Therefore, the Board concluded that in view of your persistent misconduct, no change to the discharge is 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