



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

CRS
Docket No: 7198-00
1 March 2001

[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 February 2001. 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 on 10 June 1982 at age 18. Your enlistment documents reveal that you enlisted for "Infantry Only - 03". After recruit training, you were sent to Infantry Training School (ITS). Upon completion of ITS, you were awarded Military Occupational Specialty (MOS) 0331 - Machine Gunner. Subsequently, you were assigned duties as a guard and barracks grounds man.

The record reflects that you received three nonjudicial punishments during the period of 13 September to 28 November 1983. The offenses included failure to obey a lawful order, use of marijuana, willful disobedience of a lawful order, and disrespect on two occasions.

On 8 December 1983 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to a pattern of misconduct. 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 other than honorable discharge on 16 December 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contentions concerning the discharge. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your three disciplinary actions. In this regard, the Board considered your contentions but found them without merit. It appears that the Marine Corps fulfilled its responsibility under the enlistment contract by sending you to ITS and awarding an MOS of 0331. Therefore, the Board concluded that 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