



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

TJR  
Docket No: 1169-01  
9 October 2001



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 2 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 26 January 1993 at the age of 20. Your record reflects that you served for a year without disciplinary incident but on 4 February 1994 you received nonjudicial punishment (NJP) for a 17 day period of unauthorized absence (UA) and were awarded restriction and extra duty for 14 days and a suspended forfeiture of pay. However, on 23 February 1994, the suspended forfeitures were vacated due to your continued misconduct. On 18 May 1994 you received NJP for failure to go to your appointed place of duty. The punishment imposed was restriction and extra duty for 14 days and a suspended forfeiture of pay.

Your record further reflects that on 24 April 1995, after undergoing a psychiatric examination, you were recommended for an administrative separation due to a diagnoses of alcohol abuse and an antisocial personality disorder.

Your record contains a statement from your commanding officer (CO) which recommends you for an administrative separation

because of your misconduct during the period from 10 November 1994 to 20 April 1995. The statement notes, in part, as follows:

(Member) reported to formation without a shave.... he received a letter of indebtedness.... (CO) received a telephone call alleging his assault on a woman who was also pregnant by him.... was arrested by civil authorities for bad checks and assault.... eight days of UA.... missed two civil court dates.... failure to appear in civil court for bad checks and assault on a female.... confinement by civil authorities for assault.

On 1 June 1995 the discharge authority directed a general discharge by reason of convenience of the government due to the diagnosed personality disorder. On 13 June 1995 you were so discharged and assigned an RE-4 reenlistment code. At that time your conduct average was 3.9.

Character of service was based, in part, on conduct and performance averages which were computed from marks assigned during periodic evaluations. An average of 4.0 in conduct was required at the time of your service for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that your ability to serve was impaired by your family problems. The Board also considered your contention that you were told that you could reenlist even though you were a convicted felon. However, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your service or your reenlistment code because of your misconduct in both the military and civilian communities, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were proper and no change 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