



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

TJR
Docket No: 1600-00
25 August 2000

[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 9 August 2000. 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 28 January 1981 at the age of 19. Your record reflects that on 2 July 1982 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty and were awarded a \$100 forfeiture of pay, which was suspended for three months, and restriction for 14 days. On 12 August 1982 you received NJP for a three day period of unauthorized absence (UA). The punishment imposed was a \$149 forfeiture of pay and restriction and extra duty for 14 days. The forfeitures were suspended for three months.

Your record further reflects that on 8 March 1983 you received your third NJP for absence from your appointed place of duty and were awarded a \$150 forfeiture of pay and restriction and extra duty for 14 days. Shortly thereafter, you were advised that further infractions would result in disciplinary action and an administrative separation. However, on 24 April and 3 May 1983, you were absent from your appointed place of duty. On 24 May 1983 you were counselled regarding the two foregoing periods of absence, your lack of responsibility, and your poor performance

of duties. On 15 June 1983 you were again absent from your appointed place of duty.

Subsequently, you were notified of a pending administrative separation by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board. On 16 June 1983 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct as evidenced by your three NJPs and continued periods of absences from your appointed place of duty. On 7 July 1983 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 11 July 1983 you were so discharged.

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 you would like your discharge upgraded. The Board further considered your contention that you were told that your discharge would be upgraded six months after your separation. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent periods of absences from the Marine Corps. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper as issued 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