



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

ELP  
Docket No. 3599-01  
28 September 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 Navy Records, sitting in executive session, considered your application on 26 September 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.

You enlisted in the Marine Corps on 28 June 1979 for four years at age 18. You were advanced to PFC (E-2) and served for nearly 12 months without incident. However, during the 35 month period from June 1980 to May 1983 you received six nonjudicial punishments and were convicted by a summary court-martial. Your offenses consisted of sleeping on post as a sentinel, three instances of failure to go to your appointed place of duty, losing a rifle, laying down while on post, stealing \$220 in cash, dereliction of duty, failing to secure your rifle, and two periods of unauthorized absence totalling about eight hours.

On 23 May 1983 you were notified that you were being recommended for an other than honorable discharge by reason of misconduct due to a pattern of misconduct. You were advised of your procedural rights and after consulting with legal counsel, you waived the right to present your case to an administrative discharge board (ADB). Thereafter, both the commanding officer and battalion

commander recommended discharge under other than honorable conditions. A staff judge advocate reviewed the proceedings and found them sufficient in law and fact. On 14 June 1983 the discharge authority directed discharge under other than honorable condition by reason of misconduct due to a pattern of misconduct. On 27 June 1983 you were issued a DD Form 214 which shows your character of service as "general (other than honorable)"

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 18 years since you were discharged. The Board noted your contention that your offenses were not bad enough to get a general discharge. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of six NJPs and a summary-court-martial conviction. The Board noted that sleeping on post and theft are not minor offenses, but serious offenses for which you could have received a punitive discharge. It is clear from the record you were to be discharged under other than honorable conditions. Further, there is no such characterization as "general (other than honorable)." The Board will not direct a correction to the detriment of an individual, and it finds no basis to change it to general under honorable conditions. Since the DD Form 214 is obviously in error, you may request that Headquarters, Marine Corps to administratively correct the DD Form 214 to show you were discharged under other than honorable conditions. 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