



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

TJR
Docket No: 3993-01
21 November 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 14 November 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 3 May 1983 at the age of 18. Your record reflects that on 2 November 1984 you received nonjudicial punishment (NJP) for two specifications of failure to go to your appointed place of duty and a two day period of unauthorized absence (UA). The punishment imposed was a \$100 forfeiture of pay and restriction for 14 days.

Your record further reflects that on 18 January and again on 20 June 1985 you received NJP for failure to go to your appointed place of duty, altering a receipt, and uttering worthless checks. Shortly thereafter, on 29 July 1985 you were notified of pending administrative separation action by reason of misconduct due to minor disciplinary infractions. After consulting with legal counsel you initially elected to present your case to an administrative discharge board (ADB). However, after receiving further advice from counsel, you withdrew your request to present your case to an ADB. Subsequently, your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to minor disciplinary infractions as evidenced by the three NJPs. On 4 September 1985

the discharge authority approved the commanding officer's recommendation and directed an other than honorable discharge by reason of misconduct. On 8 November 1985 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 other Marines were ordered to write adverse statements in reference to your character. However, the Board noted that although you submitted the adverse statements, you submitted no evidence that these statements were coerced, and the record contains no such evidence. The Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. 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