



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

TJR  
Docket No: 3762-02  
6 December 2002

[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 3 December 2002. 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.

You enlisted in the Marine Corps on 30 October 1979 at the age of 20. During the period from 28 March to 23 December 1980 you received nonjudicial punishment (NJP) on four occasions for a five day period of unauthorized absence (UA), disobedience, disrespect, failure to go to your appointed place of duty, and two specifications of failure to obey a lawful order.

On 2 March 1981 you received NJP for an eight day period of UA. The punishment imposed was a \$500 forfeiture of pay and restriction for 60 days. Shortly thereafter, on 13 March 1981, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 9 April 1981 you received your sixth NJP for failure to obey a lawful order, absence from your appointed place of duty, and disobedience. The punishment imposed was a suspended forfeiture of pay and extra duty for 45 days.

On 15 May 1981 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. Subsequently, your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. On 28 May 1981 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 22 June 1981 you were so separated.

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 contentions that you were having family problems and that you could not deal very well with such pressures and problems. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, specifically, six NJPs during an enlistment of less than two years. 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