



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

CRS
Docket No: 5001-02
26 September 2002

[REDACTED]

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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 26 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 10 March 1983 after more than two years of prior active service. You then received seven nonjudicial punishments for unauthorized absences totalling 29 days, possession and use of marijuana, absence from your appointed place of duty, failure to obey a lawful order, two instances of disrespect, and falsifying an official document.

On 12 January 1985 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to minor disciplinary infractions. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 19 February 1985 with an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your good postservice

conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your seven disciplinary actions and unauthorized absences totalling about a month. 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

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