



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

TJR  
Docket No: 5127-00  
31 January 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 17 January 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 13 October 1978 at the age of 22. Your record reflects that on 16 May 1979 you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA). The punishment imposed was correctional custody for 21 days and a \$200 forfeiture of pay.

Your record also reflects that during the period from 18 Jan to 25 November 1980 you received NJP on three occasions for two periods of absence from your appointed place of duty, failure to obey a lawful order, and three periods of UA totalling 10 days. On 12 January 1981 you received your fifth NJP for a 12 day period of UA and were awarded reduction to paygrade E-2, extra duty and restriction for 30 days, and a \$250 forfeiture of pay.

Your record further reflects that from 16 January to 23 February 1981 you were in a UA status for 28 days. The record does not, however, reflect that any disciplinary action was taken for this period of UA. On 24 February 1981 you were convicted by special court-martial for what appears to be a nine day period of UA. You were sentenced to reduction to paygrade E-1 and a \$200

forfeiture of pay. Shortly thereafter, on 17 March 1981, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At this time you waived your rights to consult with legal counsel and to submitted a statement in rebuttal to the discharge. On 7 April 1981 your commanding officer recommended that you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities as evidenced by five NJPs and a court-martial conviction. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct and, on 19 May 1981, 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 contentions that the consequences of your discharge were not explained to you and you are now in need of veterans' benefits which you feel you deserve. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the repetitive nature of your misconduct which resulted in five NJPs and a court-martial conviction. 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