



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

TJR  
Docket No: 6179-01  
19 February 2002

[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 12 February 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.

The Board found you enlisted in the Marine Corps on 23 June 1980 at the age of 18. Your record reflects that on 29 October 1981 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a \$90 forfeiture of pay and extra duty for 14 days.

On 18 January 1982 you received NJP for absence from your appointed place of duty and were awarded a \$149 forfeiture of pay and extra duty for 14 days. On 28 December 1982 you received NJP for failure to obey a lawful order and were awarded a \$50 forfeiture of pay.

Your record contains an administrative remarks entry which notes that on 5 June 1983 you were counselled regarding an unspecified period of unauthorized absence (UA), failure to maintain a proper military appearance, failure to be at your appointed place of duty, and assault. Shortly thereafter, on 21 June 1983, you received NJP for failure to go to your appointed place of duty, and assault. The punishment imposed was a \$171 forfeiture of pay

and restriction for 14 days. On 31 October 1983 you received your fifth NJP for wrongful use of marijuana. The punishment imposed was a \$400 forfeiture of pay, restriction and extra duty for 30 days, and a reduction to paygrade E-2.

Your record further reflects that on 12 January 1984 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities as evidenced by the five NJPs. On 25 January 1984, a staff judge advocate (SJA) found that the administrative discharge action was sufficient in law and fact and recommended discharge by reason of misconduct due to drug abuse. On 31 January 1984 the discharge authority directed an other than honorable discharge, and on 17 February 1984 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 you were unfairly treated and that your misconduct only consisted of oversleeping on a couple of occasions and being in a fight. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in five NJPs and included the use of drugs. 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