



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

TJR
Docket No: 10956-02
15 October 2003



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 8 October 2003. 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 11 October 1983 at age 19. You served without disciplinary incident until 2 January 1985 when you received nonjudicial punishment (NJP) for four specifications of failure to obey a lawful order and a three day period of unauthorized absence (UA). The punishment imposed was a \$156 forfeiture of pay and correctional custody for seven days, which was suspended for six months.

On 27 May 1986 you were convicted by summary court-martial (SCM) of 15 specifications of uttering checks in the amount of \$467.19. You were sentenced to a \$400 forfeiture of pay, restriction for 60 days, and reduction to paygrade E-1. Thirty days of the restriction and the paygrade reduction were suspended for six months. However, on 18 December 1986, this suspended sentence was vacated due to your continued misconduct, specifically, a four day period of UA. On 22 December 1986 you were notified that administrative separation action had been initiated by reason of misconduct.

On 9 January 1987 you received NJP for absence from your appointed place of duty, two periods of UA totalling four days, failure to go to your appointed place of duty, and disobedience. The punishment imposed was a \$149 forfeiture of pay and restriction for 14 days.

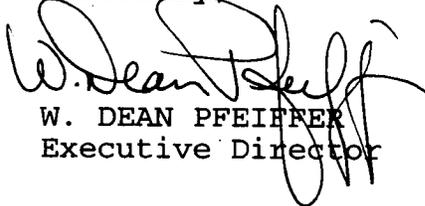
Subsequently, on 14 February 1987, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended separation by reason of misconduct due to a pattern of misconduct and on 18 March 1987 the discharge authority directed an other than honorable discharge. On 1 April 1987 you received an other than honorable discharge.

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 assertion that you will soon be on parole and would like your discharge upgraded to better your chances for a successful future. It also considered your contention that it is an injustice for you to continue to suffer the consequences of a bad discharge. Nevertheless, the Board concluded recharacterization of your discharge was not warranted because of your serious repetitive misconduct which resulted in two NJPs and a court-martial conviction. 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