



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

TJR
Docket No: 142-03
31 October 2003

[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 28 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 6 December 1978 at age 18. On 7 August 1979, after undergoing a psychiatric evaluation, you were diagnosed with an antisocial personality disorder. The following day, on 9 August 1979, you were convicted by summary court-martial (SCM) of a two day period of unauthorized absence (UA), failure to obey lawful order, damaging government property, and destruction of government property. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-1, and an \$279 forfeiture of pay. On 21 September 1979 you received nonjudicial punishment (NJP) for assault and were awarded extra duty and restriction for 30 days, which was suspended for 30 days.

During the period from 20 February to 19 June 1980 you received NJP on three more occasions for absence from your appointed place of duty, two specifications of insubordination, damaging government property, assault, and disorderly conduct. On 24 September 1980 you were convicted by SCM of resisting arrest and disorderly conduct. You were sentenced to confinement at hard labor for 30 days and a \$224 forfeiture of pay.

On 25 September 1980 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 16 October 1980 an ADB recommended discharge under other than honorable conditions by reason of misconduct. Your commanding officer also recommended separation under other than honorable conditions by reason of misconduct.

On 2 and 4 December 1989, following medical evaluations, you were diagnosed with alcohol abuse and habitual alcoholism without drug involvement. At that time you refused rehabilitation, and the medical officer stated that you were not amenable to treatment.

Subsequently, on 30 December 1980, the discharge authority directed separation under other than honorable conditions by reason of misconduct due to frequent involvement with military authorities, and on 14 January 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 assertion that it has been over 20 years since you were discharged and have since grown considerably. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the repetitive misconduct which resulted in four NJPs and two court-martial convictions. 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