



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

TJR
Docket No: 768-06
27 September 2006

[REDACTED]

[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 26 September 2006. 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 November 1980 at age 19. About two months later, on 12 January 1981, you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a \$50 forfeiture of pay and extra duty for seven days.

During the period from 28 January to 2 April 1982 you received NJP on three more occasions for two specifications of disobedience, failure to go to your appointed place of duty, absence from your appointed place of duty, and breaking restriction.

On 4 May 1982 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 7 May 1982 your commanding officer

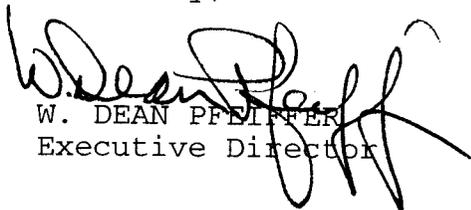
recommended a discharge under honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. On 25 May 1982 the discharge authority approved this recommendation and directed a general discharge by reason of misconduct, and on 10 June 1982 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, post service conduct, and assertion that your ability to serve was impaired and you could not adapt to a racially prejudiced environment or being away from home for the first time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code because of your repetitive misconduct which resulted in four NJPs. Further, Marines discharged by reason of misconduct normally receive discharges under other than honorable conditions, and as such, the Board noted that you were fortunate to receive a general discharge. Additionally, an RE-4 reenlistment code is required when a Marine is discharged by reason of misconduct. Finally, there is no evidence in the record, and you have submitted none, to support your assertion of a racially prejudice environment. 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