



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

TJR
Docket No: 8555-06
11 July 2007

[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 11 July 2007. 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 28 June 1988 at age 20. You served for one year and three months without disciplinary incident, but during the period from 6 September 1989 to 2 May 1991 you received nonjudicial punishment (NJP) on three occasions for disobedience, using provoking speech, disrespect, two specifications of failure to obey a lawful order, and failure to go to your appointed place of duty.

On 19 June 1991 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 9 July 1991 an ADB recommended separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 7 August 1991 your commanding officer also recommended a discharge under other than honorable conditions by

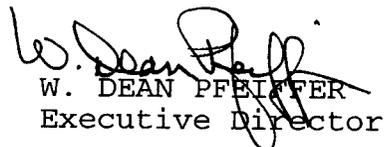
reason of misconduct. The discharge authority approved these recommendation and directed separation under other than honorable conditions, and on 27 September 1991 you were so discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and character reference letters. It also considered your assertion that your commanding officer was guilty of the same offenses which resulted in your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of the reenlistment code because of the seriousness of your repetitive misconduct, which resulted in three NJPs. Finally, the Board noted that there is no evidence in the record, and you submitted none, to support your assertion. 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