



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

SMW
Docket No: 415-07
19 July 2007

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 18 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.

On 17 July 1985 you enlisted in the Marine Corps at age 19. On 6 June 1986, while an avionics student, you were counseled regarding your substandard performance of duty and lack of attention to detail, and warned that further substandard performance would result in disciplinary action. On 21 August 1986 you were dropped from the avionics school for academic deficiencies. On 3 September 1986 you were counseled regarding deficiencies in your performance and conduct, and given an official letter of reprimand.

On 1 October 1986 you reported for duty as a student at an aviation supply school. On 5 November 1986 you received nonjudicial punishment (NJP) for a brief period of unauthorized absence (UA). On 18 December 1986 you completed the school and subsequently reported for duty to a unit in the United States. On 20 April 1987 you were counseled regarding your continued failure to be at your appointed place of duty on time, and warned that failure to take corrective action could result in disciplinary action or administrative separation. On 1 November 1987 you were counseled and warned regarding your continued tardiness from formations and work. On 25 January 1988

you were counseled regarding your financial irresponsibility, specifically, writing bad checks and failure to pay debts.

On 1 March 1988 you were transferred overseas and subsequently reported for duty to a unit in Okinawa, Japan. The record shows that your officer in charge counseled you informally on many occasions. During January 1989 you were made aware of permanent change of station orders directing your transfer back to the United States. You were subsequently made aware of your departure flight, but on 28 February 1989 you failed to report for that flight. On 1 March 1989 you stated that the flight date was 7 March 1989, but there was no flight scheduled on that date. You were subsequently charged with UA, missing movement, and making a false official statement.

On 21 March 1989 your commanding officer (CO) initiated administrative separation by reason of misconduct due to minor disciplinary infractions. In connection with this processing, you acknowledged that separation could result in an other than honorable discharge and elected to have your case heard by an administrative discharge board (ADB). On 21 April 1989 an ADB found that you had committed misconduct due to minor disciplinary infractions and recommended an other than honorable discharge. On 24 May 1989 the staff judge advocate found your case sufficient in law and fact, and recommended an other than honorable discharge. Apparently, the separation authority approved the discharge recommendation and directed an other than honorable discharge by reason of misconduct due to minor disciplinary infractions. On 16 June 1989 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 overall service record. In this regard, the Board noted that you were promoted, were never convicted by a court-martial, and were awarded the Good Conduct Medal (GCM) and Overseas Service Ribbon (OSR). Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your repetitive misconduct that continued even after you were repeatedly warned that further infractions could result in an administrative discharge. The record also shows that you were not promoted after you were reduced in grade to an E-3 at the NJP of 5 November 1986. reduced your pay grade to an E-3. Regarding the GCM, the record shows that you were issued a GCM on 16 July 1988, but you barely met the minimum requirements established by regulations for this award, and you were issued an OSR on 28 February 1989, when you completed your overseas tour. However, issuance of such awards does not excuse your misconduct. Therefore, the Board concluded that the 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