



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

SMW  
Docket No: 475-07  
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 22 January 1979 you enlisted in the Marine Corps at age 17 and served without incident for about a year. On 24 January 1980 you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 30 September 1980 you were counseled regarding deficiencies in your performance and conduct, and were warned that further infractions could result in disciplinary action.

On 6 October 1980 you began a period of unauthorized absence (UA) that ended on 27 October 1980, a period of about 21 days. On 14 November 1980 you received NJP for this offense. On 12 December 1980 you were counseled regarding deficiencies in your performance and conduct. On 28 December 1980 you were convicted by summary court-martial (SCM) of two instances of possession of marijuana. On 6 February and 21 May 1981 you received NJP for possession of marijuana.

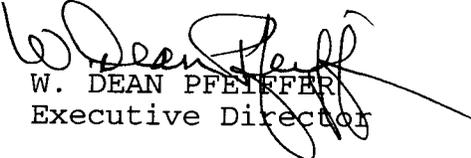
On 19 July 1981 your commanding officer (CO) initiated administrative separation by reason of misconduct due to frequent discreditable involvement. In connection with this processing,

you acknowledged that separation could result in an other than honorable discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 6 August 1981 the separation authority approved the discharge recommendation and directed an other than honorable discharge by reason of misconduct due to frequent discreditable involvement. On 25 August 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 desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your repetitive misconduct. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. 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 PFEFFER  
Executive Director