



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

SMW

Docket No: 657-07
24 July 2007

[REDACTED]

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 24 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 24 April 1984 you enlisted in the Marine Corps at age 26. On 31 May 1985 you were counseled regarding deficiencies in your performance and conduct, and warned that further infractions could result in disciplinary action or administrative separation. On 4 June 1985 you received nonjudicial punishment (NJP) for disobedience of a lawful order and disrespect. On 27 September 1985 you were counseled due to your failure to comply with uniform regulations, and warned that further infractions could result in disciplinary action.

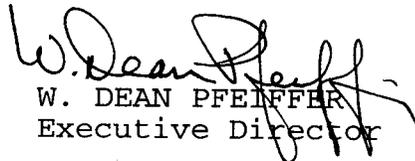
On 7 March 1986 you received NJP for driving under the influence of alcohol. On 21 March 1986 you completed substance abuse awareness training. On 25 November 1986 you received NJP for insubordination. On 28 January 1987 a psychiatric evaluation diagnosed you with an impulsive control disorder. On 3 February 1987 you received NJP for disrespect and disobedience of a lawful order.

Based on the information currently contained in the record, it appears that your commanding officer (CO) initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you would have acknowledged that separation could result in an other than honorable discharge. The record shows that you elected to have your case heard by an administrative discharge board (ADB), which subsequently concurred with the CO and recommended discharge under other than honorable conditions. Apparently, the separation authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 8 June 1987 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 post-service conduct. The Board also considered the letters of reference that you provided with your petition. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing the reason for discharge, reenlistment code or recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in disciplinary action or administrative separation. Therefore, the Board concluded that the discharge was proper as issued and no changes are 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