



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

TJR  
Docket No: 7698-07  
18 August 2008

[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 12 August 2008. 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 10 June 1985 at age 19 and served for two years without disciplinary incident. However, on 17 June 1987, you received nonjudicial punishment (NJP) for larceny and were awarded an \$808 forfeiture of pay and extra duty and restriction for 30 days.

On 19 February 1988 you received NJP for two specifications of uttering worthless checks in the amount of \$84.53. Shortly thereafter, on 25 April 1988, you were convicted by summary court-martial (SCM) of two specifications of uttering worthless checks in the amount of \$117.68 and sentenced to confinement at hard labor for 30 days and a reduction to paygrade E-2. About five months later, on 28 September 1988, you were convicted by SCM of uttering a worthless check in the amount of \$11.78. You were sentenced to hard labor for 45 days and a reduction to paygrade E-1.

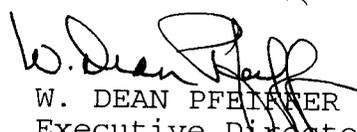
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 15 November 1988 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 19 December 1988 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 23 December 1988 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 to have your discharge upgraded. It also considered your assertion that if you received disciplinary action for the 'five' specifications of uttering worthless checks at one time, you could have received a Good Conduct Medal and your career could have been salvaged. It also considered your assertion that your discharge was also the result of your ending a relationship with your superior's daughter. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and two court-martial convictions. There is no evidence in the record, and you submitted none to support your assertions. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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