



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

TJR
Docket No: 8015-07
3 October 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 1 October 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 12 August 1985 at age 18 and served without disciplinary incident until 2 January 1986, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was extra duty and restriction for seven days and a \$75 forfeiture of pay.

On 10 July 1987 you were convicted by civil authorities of indecent exposure and sentenced to confinement for seven days. On 8 December 1987 you received NJP for disrespect and two specifications of disobedience. About three months later, on 3 March 1988, you were convicted by civil authorities of making a false police report and sentenced to a \$141 fine.

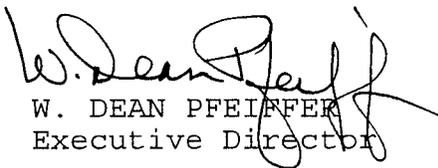
Subsequently, you were processed for an administrative discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct, and on 25 March 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that you are now making a better life for yourself. It also considered your desire to upgrade your discharge so that you may obtain employment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct in both the military and civilian communities. 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