



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

SJN  
Docket No: 08510-07  
28 August 2008



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 26 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 7 November 1980 at age 18. During the period from 18 January 1982 to 31 May 1983 you received six nonjudicial punishments (NJP's) for four specifications of unauthorized absence (UA) totaling eight days, disrespect, five instances of failure to go to your appointed place of duty, two instances of disobedience, and one unknown offense. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

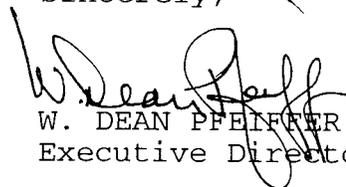
On 13 June 1983, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You waived your right to consult with counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 15 June 1983, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 21 June 1983, the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 22 March 1988 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, post service accomplishments, and contention that drugs and alcohol were the cause of your misconduct. Nevertheless, the Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of six NJP's, one of which was imposed after you were counseled and warned of the consequences of further misconduct. The Board also noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Concerning your contention of drug and alcohol abuse, there is no evidence in the record to support it, and you submitted no such evidence. Further, drugs and alcohol abuse do not excuse misconduct, so disciplinary action and administrative separation are appropriate. 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