



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

SJN
Docket No: 08877-07
29 September 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 23 September 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 31 August 1989 at age 18. During the period from 12 October 1990 to 5 May 1992 you received three nonjudicial punishments (NJP's) for dereliction of duty, two instances of disobedience, disrespectful language, and defacing government property. You also were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty, dereliction of duty, destruction of property, and assaulting another Marine. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

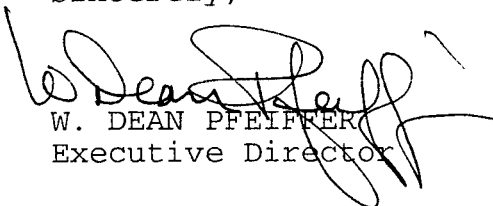
On 10 June 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). Your commanding officer forwarded your case to the commanding general recommending separation.

On 7 August 1992, an ADB unanimously found that you had committed misconduct due to a pattern of misconduct, and recommended discharge under other than honorable conditions. Subsequently, on 2 November 1992, the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 29 December 1992 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's, one of which was imposed after you were counseled and warned of the consequences of further misconduct and conviction by SCM for very serious offenses. 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