



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

TJR  
Docket No: 9388-07  
6 November 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 5 November 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 Reserve on 4 April 1973 at age 17 and began a period of active duty on 14 December 1973. You served for a year without disciplinary incident, but during the period from 12 April to 4 November 1974 you received nonjudicial punishment (NJP) on four occasions for a four day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, failure to obey a lawful order, four specifications of disrespect, and communicating a threat.

On 22 January 1975 you received NJP for six periods of absence from your appointed place of duty and were awarded a \$200 forfeiture of pay. Subsequently, on 28 July 1975, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 5 August 1975 you received your sixth NJP for failure to obey a lawful order and were awarded a \$50 forfeiture of pay and restriction for 14 days.

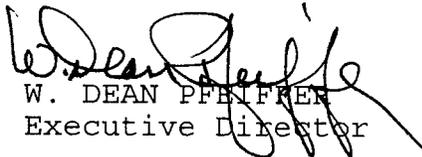
Subsequently, 2 September 1975, an ADB recommended discharge under honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. However, your commanding officer recommended discharge under other than honorable conditions. Nonetheless, on 11 September 1975, the discharge authority directed discharge under honorable conditions by reason of unfitness, and on 17 September 1975 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 upgrade your discharge. It also considered your assertion that you were told that your discharge would be upgraded two or three years after you were discharged. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your frequent and repetitive misconduct which resulted in six NJPs. Further, no discharge is upgraded due solely to an individual's good post service or the passage of time. 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