



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

TRG
Docket No: 9432-07
28 August 2008

[REDACTED]

[REDACTED]

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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 13 November 1986 at age 18. During the period from 23 June 1988 to 1 March 1990 you received nonjudicial punishment on four occasions. Your offenses were damaging government property, unauthorized absence for about six hours, several instances of disobedience and disrespect. Additionally you were counseled on several occasions concerning your performance and conduct.

On 14 June 1990 you were notified of separation processing by reason of a pattern of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review the separation authority directed discharge under other than honorable conditions and you were so discharged on 12 July 1990.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the documentation you submitted showing that in 2006 you were diagnosed with bipolar disorder and attention deficit/hyperactive disorder. It appears that you are contending that these conditions were present while you were in the Marine Corps and

led to your misconduct and discharge under other than honorable conditions. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct. There is no evidence in the record and you have submitted none to show that you were mentally ill while in the Marine Corps, or if you were that it was sufficient to excuse or mitigate your record of misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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