



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

TRG  
Docket No: 10927-07  
11 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 5 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 26 June 1979 at age 18. During the period from 29 October 1979 to 25 September 1981, you received nonjudicial punishment on two occasions and were convicted by a special court-martial. Your offenses were dereliction in the performance of your duties, failure to go to your appointed place of duty and theft from another Marine. Additionally you were counseled on four occasions concerning your poor performance and conduct.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. An administrative discharge board met on 6 November 1981 and found that you had committed misconduct and recommended discharge under other than honorable conditions. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 24 November 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention in effect that your superiors did not give you a chance to finish your enlistment. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and failure

to respond to counseling. 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