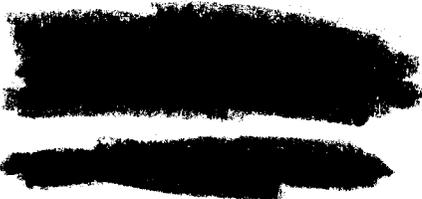




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 11031-07
8 August 2008



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 6 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 28 August 2000 and served without disciplinary incident. However, on 30 September 2002, you were given a psychological consult due to self-inflicted injuries and a pattern of minor infractions.

Shortly thereafter, you were charged and found guilty at the following nonjudicial punishment (NJP): In October 2002, two counts of insubordination toward a noncommissioned officer, unauthorized absence (UA), and false or unauthorized pass offenses.

On 28 October 2002, you were seen at the Branch Medical Clinic, Mental Health Department for an evaluation where you were diagnosed with an adjustment and personality disorder, but not a risk to self or others.

In November 2002, you continued to commit misconduct and were

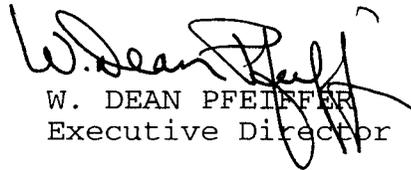
sent to NJP for failure to obey a lawful order or regulation. On 24 January 2003, you were involuntarily separated due to a pattern of misconduct. You were given a general discharge with an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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