



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

SMS
Docket No: 634-08
5 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 3 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 4 November 1980, you enlisted in the Marine Corps at age 19. On 23 February and 23 June 1982, you had nonjudicial punishment (NJP) for willful disobedience of a lawful order, disrespect, being intoxicated while on duty, and failure to go to your appointed place of duty. On 15 September 1982, a service record entry stated that your urinalysis tested positive for marijuana. On 23 September 1982, another service record entry stated that your urinalysis confirmation sample was lost and you were placed on the urinalysis surveillance program. On 12 October 1982, you were counseled regarding abuse of alcohol and placed on an antabuse regime. On 22 October 1982, you had NJP for absence from your appointed place of duty. On 21 February 1983, you were counseled regarding deficiencies in your performance and conduct and warned that further

infractions could result in disciplinary action or administrative separation. On 8 and 29 March 1983, you had NJP for five instances of absence from your appointed place of duty.

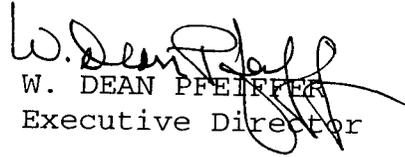
Based on the information currently contained in the record, it appears that your commanding officer subsequently initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you would have acknowledged that separation could result in an other than honorable (OTH) discharge and it appears that you waived the right to have your case heard by an administrative discharge board (ADB). Apparently, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 13 May 1983, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your belief that you received a general discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in administrative separation. Furthermore, there is no evidence in the record to support your belief that you received a general discharge. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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