



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

SMS
Docket No: 2224-08
6 November 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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 18 November 1989, you reenlisted in the Marine Corps at age 21 after a prior period of honorable service. On 8 August 1990 and 1 February 1991, you had nonjudicial punishment (NJP) for two instances of failure to go to your appointed place of duty and absence from your appointed place of duty. On 6 February 1991, suspended punishment from an NJP was vacated due to unspecified reasons. On 29 April 1991, you were convicted in civil court of four instances of writing worthless checks. Your sentence included restitution and six months in prison, which was suspended for one year.

On 9 May 1991, your commanding officer initiated administrative separation by reason of misconduct due to the civil conviction. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 4 June 1991, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to the civil conviction. On 12 June 1991, you were so discharged.

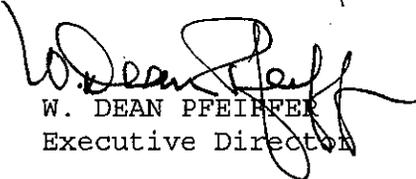
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, desire for a better discharge, and prior period of honorable service. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. 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.

The Board noted that as a result of your prior period of honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

The Board further noted that you should contact Headquarters Marine Corps, Personnel Management Support Branch (MMSB-10), 2008 Elliot Road, Quantico, Virginia 22134, to request administrative correction be made to your DD Form 214, specifically, block 18 should reflect your honorable service for the period 1 July 1986 to 17 November 1989. You may also request that Headquarters Marine Corps (MMSB-10) issue a discharge certificate for your honorable period of service.

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

Copy to:
HQMC (MMSB-10)