



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

SMS  
Docket No: 3149-08  
8 April 2009

[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 1 April 2009. 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 6 February 1984, you enlisted in the Marine Corps at age 18. On 6 February 1986, a medical entry stated that you were treated for lower back pain. On 30 June 1986, you had nonjudicial punishment (NJP) for sleeping on post and falsifying an official document. On 19 August 1986, suspended punishment was vacated from the NJP, and you were subsequently warned that further infractions could result in disciplinary action. On 4 December 1986, a psychiatric evaluation diagnosed you as having a mixed personality disorder and recommended discharge. On 10 December 1986, you were counseled regarding your unacceptable performance, psychiatric diagnosis, advised where assistance was available, and warned that further infractions could result in disciplinary action or administrative separation. On 15 December 1986, you had NJP for two instances of disobedience of a lawful order and making a false official statement. On 27 March 1987, you were counseled for your lack of respect for military authority, and fraudulent use of a state license plate and vehicle identification pass.

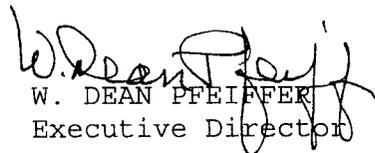
On 27 May 1987, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you acknowledged that separation could result in a general discharge. On 19 June 1987, the separation

authority approved the recommendation and directed a general discharge by reason of misconduct due to a pattern of misconduct. On 20 July 1987, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and belief that you should have been discharged medically. Nevertheless, the Board concluded that these factors and belief were not sufficient to warrant changing the reason or recharacterization of your discharge due to the seriousness of your misconduct. Furthermore, although you received treatment for lower back pain, there is no evidence in the record to show that a discharge due to a physical disability was ever initiated or approved. 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