



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

SMS  
Docket No: 3403-08  
8 January 2009



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 7 January 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 18 July 1979, you enlisted in the Marine Corps at age 17 with parental consent. On 16 April 1980, you were counseled for failing to muster. On 9 January and 2 June 1981, you had nonjudicial punishment (NJP) for disrespect, absence from your appointed place of duty, and possession of marijuana. On 13 June 1981, you were counseled regarding your base traffic court convictions of driving while intoxicated and failure to obey traffic signals. On 20 August 1981, you had NJP for absence from your appointed place of duty. On 30 September 1981, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in administrative separation. On 7 October and 15 December 1981, you had NJP for disobedience of a lawful order, absence from your appointed place of duty, and violation of uniform regulations.

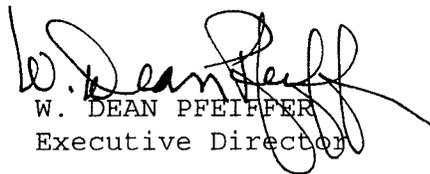
Based on the information currently contained in the record, it appears that your commanding officer initiated administrative separation by reason of misconduct due to frequent discreditable involvement. In connection with this processing, you would have acknowledged that separation could result in an other than honorable (OTH) discharge and been given an opportunity 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 frequent discreditable involvement. On 1 March 1982, 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 contentions that inaccurate information was used as evidence and that you should have been given more options to save your career. Nevertheless, the Board concluded that these factors and contentions were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were counseled on three occasions and also warned that further infractions could result in administrative separation. Furthermore, the record shows that you were discharged as a result of your disciplinary actions that included five NJP's, and there is no evidence in the record to support your contention of inaccurate information. The Board also noted that you would have had the right to have your case heard by an ADB, which was 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