



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

TJR  
Docket No: 3581-08  
5 March 2009

[REDACTED]

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 3 March 2009. The names and votes of the members of the panel will be furnished upon request. 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 8 September 1988 at age 19 and served for about seven months without disciplinary incident. However, during the period from 28 April 1989 to 25 July 1991, you received nonjudicial punishment (NJP) on three occasions for urinating on your rack, two periods of absence from your appointed place of duty, making a disloyal statement, drunk and disorderly conduct, and striking a wall at which time you broke bones in your hand.

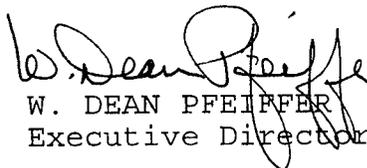
During the period from 24 August 1990 to 25 December 1991 you received counselling on five occasions regarding deficiencies in your performance, specifically, unauthorized absences, alcohol abuse, failure to obey lawful orders, lack of responsibility, absence from your appointed place of duty, inability to conform, substandard performance, lackadaisical attitude, unsatisfactory military appearance, the smell of alcohol on your breath while at formation, development of a pattern of misconduct, and frequent inability to comply with orders and regulations.

On 23 April and again on 19 May 1992 you received NJP for absence from your appointed place of duty, disobedience, and failure to go to your appointed place of duty. Subsequently, on 30 April 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 2 July 1992 an ADB recommended separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct. Your commanding officer also recommended separation under other than honorable conditions by reason of misconduct. The discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 8 July 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in five NJPs. Accordingly, your application has been denied.

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