



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

SMS  
Docket No: 4926-08  
20 February 2009

[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 19 February 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 10 May 1989, you enlisted in the Marine Corps at age 20. On 4 May 1990, you had nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 29 June 1990, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 10 July 1990, suspended punishment from the NJP was vacated. On 7 August 1990, you were counseled and warned that further infractions could result in disciplinary action or administrative separation. On 9 October 1990, you had NJP for failure to go to your appointed place of duty and three instances of writing checks with insufficient funds. You subsequently participated in Operations Desert Shield and Storm. On 11 July 1991, you had NJP for disobedience of a lawful order. On 6 January 1992, you were convicted by a summary court-martial of two instances of failure to go to your appointed place of duty and use of amphetamines.

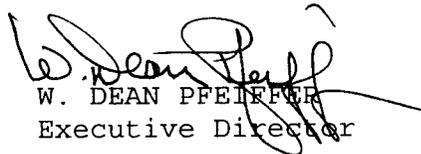
On 4 February 1992, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge

board (ADB). On 17 February 1992, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 24 March 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, participation in Operations Desert Shield and Storm, and desire for a better discharge. 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.

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 PFEFFER  
Executive Director