



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

CRS  
Docket No: 6067-08  
8 October 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 30 September 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.

The Board found that you enlisted in the Marine Corps on 10 July 1979. You received four nonjudicial punishments and were convicted by a special court-martial for offenses that included three periods of unauthorized absence, absence from appointed place of duty, disrespect, being out of uniform, and willful disobedience of a lawful order.

On 21 January 1982 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

After review by the discharge authority, the recommendation for separation was approved and on 22 February 1982 you were separated with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered your contention to the effect that you were a victim of racial discrimination and unfair treatment, which contributed to your acts of indiscipline, but found it unsubstantiated and insufficient to warrant the approval of your request for corrective action. 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