



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

SJN  
Docket No: 07001-08  
5 June 2009

[REDACTED]

Dear [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 2 June 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps after three years of honorable service on 1 July 1987. On 13 February 1992, the Naval Investigative Service was conducting an investigation into your involvement in an alleged larceny from the Navy Exchange. On 13 April 1992, you received nonjudicial punishment (NJP) for two instances of absence from your appointed place of duty.

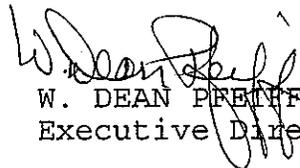
On 15 April 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and requested an administrative discharge board (ADB). Subsequently, on 11 May 1992, an ADB unanimously found that you had committed misconduct due to a pattern of misconduct, and recommended discharge under other than honorable conditions. Further, during the ADB proceeding, you confessed to the pending larceny charge involving the Navy Exchange. On 19 May 1992, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review and stated, in part, that you had been counseled on numerous occasions concerning your bad judgment, poor performance, and lack of initiative. On 26 May

1992, the separation authority directed an other than honorable discharge by reason of misconduct. On 29 May 1992 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of NJP and confession to larceny from the Navy Exchange. 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