



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

TRG
Docket No: 7180-08
25 March 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 17 March 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.

You enlisted in the Marine Corps for four years on 15 June 1988 at age 18. During the period from 21 November 1988 to 12 March 1992 you were counseled concerning your poor performance and conduct on four occasions and received nonjudicial punishment on four occasions. Your offenses were several instances of disobedience and two short periods of unauthorized absence. A special court-martial convened on 15 July 1992 and convicted you of wrongful use of marijuana. The court sentenced you to forfeitures of pay, reduction to pay grade E-1 and 90 day confinement. On 12 August 1992 you were determined to be alcohol dependent.

Based on the foregoing record, you were processed for an administrative discharge. An administrative discharge board met on 25 September 1992 and found that you should be discharged due to a pattern of misconduct with a discharge under other than honorable conditions. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 29 September 1992 with an RE-4 reenlistment code. At that time, you declined inpatient treatment with the Department of Veterans Affairs for your alcohol problem.

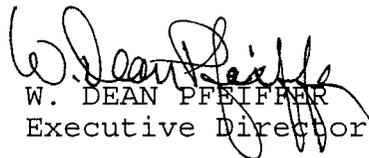
In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and contentions in effect, that it was improper to discharge you under other than honorable conditions when you were so close to completing your enlistment. You contend that the command only processed you for an administrative discharge because they were upset that you were not sentenced to a bad conduct discharge by the special court-martial and believed that they owed you a discharge under other than honorable conditions. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct and failure to respond to counseling. Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged under other than honorable conditions. The Board concluded that the discharge and related reenlistment code were proper 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