



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

SJN  
Docket No: 09222-08  
7 August 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 4 August 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.

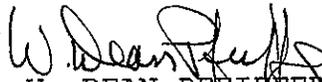
You enlisted in the Marine Corps and began a period of active duty on 25 October 1974 at age 24. On 19 May 1975, after it had been discovered that you were married with two children, administrative discharge action was initiated to separate you by reason of misconduct due to fraudulent enlistment. You waived your right to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 30 May 1975, the discharge authority directed that you receive a general discharge due to fraudulent enlistment. You were so discharged on 5 June 1975.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your family problems. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service since you were discharged for misconduct by reason of fraudulent enlistment. The Board also noted that you were fortunate to receive a general discharge since a discharge under

other than honorable conditions is often directed when an individual is discharged for misconduct. 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