



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

CRS
Docket No: 10703-08
15 January 2010

[REDACTED]

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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 13 January 2010. 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.

The Board found that you enlisted in the Marine Corps on 10 May 1977. You received nonjudicial punishment on six occasions for offenses that included unauthorized absence, dereliction of duty, loss of military property through neglect, absence from appointed place of duty, willful disobedience of a lawful order, and failure to obey a lawful order.

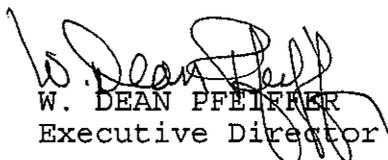
On 28 February 1979, you were separated from the Marine Corps with a discharge under other than honorable conditions by reason of misconduct. The discharge processing documents are not in your record.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your overall record of service and your belief that you were a victim of racial discrimination. The Board concluded that those factors were insufficient to warrant the upgrade of your discharge in view of your extensive disciplinary record. It found nothing in the available records which supports your belief that you were the victim of racial discrimination. 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