



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

TRG
Docket No: 2307-08
14 November 2008

[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 November 2008. 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 on 22 July 1977 at age 17. During the period from 9 March 1978 to 28 August 1980 you received nonjudicial punishment on three occasions and were counseled on two occasions. Your offenses were failure to go to your appointed place of duty, possession of marijuana and an unauthorized absence of about 23 days.


Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. After review, the separation authority directed a general discharge and you were so discharged on 16 December 1980.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you have been a good citizen since discharge. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct. The Board believed that you were fortunate to have been issued a general discharge since a discharge under other than honorable conditions was authorized. The Board concluded that the discharge was proper as issued 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