



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

RDZ:ecb  
Docket No. 04933-08  
11 August 2008

[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 5 August 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 6 June 2001 at age 18. You received your first nonjudicial punishment (NJP) on 12 February 2003 for being absent from your place of duty and disobedience of an order. On 29 June 2004 you were given a written warning and counseled for poor performance of your military duties and showing disrespect to your battalion commander. Unfortunately a little over five months later you received your second NJP for failure to go to your appointed place of duty and to obey a lawful order. Again you were warned of the consequences of engaging in further acts of misconduct. Less than three weeks

later you received your third NJP for attempting to use another Marine's stolen credit card to purchase clothing off base, conspire with others to assault another Marine and unlawfully enter the Marine's room for the purpose of committing an assault.

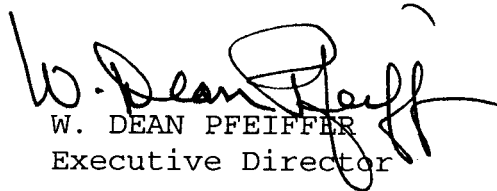
Based on the above disciplinary record you notified that you would be administratively processed for a discharge under other than conditions (OTH). At that time you waived your right to a hearing where you would be represented by a military lawyer and agreed to accept an OTH discharge. On 17 March 2005 you were so discharged.

In its review of your application the Board took into account your youth, the remorse you now feel for having engaged in misconduct and your assertion that your misconduct was the result of associating with "the wrong people." Nevertheless the Board concluded that in view of your repeated acts of misconduct, some of which were serious and occurred after you were given written warnings, your OTH discharge was properly issued and should not be changed now as a matter of clemency.

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