



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

TJR  
Docket No: 7443-08  
4 June 2009

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 2 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 on 15 April 1977 at age 18. You served for a year and two months without disciplinary incident, but during the period from 8 June to 24 August 1978 you received nonjudicial punishment (NJP) on three occasions for absence from your appointed place of duty, a four day period of unauthorized absence (UA), and disobedience.

During the period from 24 January to 29 March 1979 you received NJP on three more occasions for two specifications of failure to obey a lawful order, disobedience, and disrespect. On 11 June 1979 you were convicted by summary court-martial (SCM) of disobedience and sentenced to a \$150 forfeiture of pay and restriction for 14 days.

On 22 June 1979 you were notified of pending administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). You did, however, submit a statement explaining the reason for your numerous NJPs. On 25 June 1979 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

Your record reflects that during the period from 10 March 1978 to 2 July 1979 you were repeatedly counselled, in part, regarding your poor driving ability, unsafe driving habits, exceeding posted speed limits, poor attitude and personal appearance, unsatisfactory performance, nonrecommendation for promotion, and deficiencies in military bearing, dependability, initiative, judgment, personal appearance, and endurance.

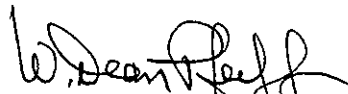
On 2 July 1979 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 6 July 1979, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you believed you were discharged due to pseudofolliculitis barbae. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in six NJPs and a SCM. Finally, you were repeatedly advised and warned regarding deficiencies in your performance. You were also given an opportunity to defend yourself at an ADB and possibly obtain a better characterization of service. Nonetheless, you waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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, \

A handwritten signature in cursive script, appearing to read "W. Dean Pfeiffer".

W. DEAN PFEIFFER  
Executive Director