



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

RDZ:ecb
Docket No. 00063-09
24 July 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 21 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 24 April 1991 at age 21. Between December 1992 and June 1994 you received three nonjudicial punishments. Your offenses were writing bad checks amounting to \$1,291.16, assaulting another Marine by striking him in the face with your fist, willful disobedience of an order from a superior noncommissioned officer (NCO) and using disrespectful language to an NCO. Moreover during this time frame you received several written warnings that such misconduct could result in an other than honorable discharge (OTH) and you were also counseled on your failure to meet Marine Corps weight standards. After receiving your last nonjudicial punishment you were informed that

were informed that you were being recommended for OTH. You then waived your right to a hearing where you would have been represented by a military lawyer and could have requested retention or a better discharge. Consequently you were issued an OTH on 11 January 1995.

In its review of your application the Board concluded that in view of your repeated acts of misconduct as well as your apparent willingness to accept an OTH, your discharge was proper as issued and should not be changed now as 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