



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

BAN
Docket No: 0200-09
20 October 2009

[REDACTED]

[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 16 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 4 October 1978, and served without disciplinary incident until 22 March 1979, when you received nonjudicial punishment (NJP) for unauthorized absence (UA).

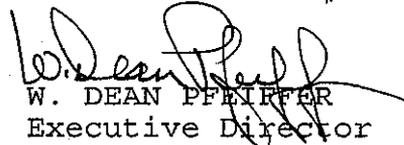
Shortly thereafter, you were convicted at a special court-martial for larceny. Additionally, you received the following NJP's: on 29 November 1979, for UA; on 3 January 1980, for UA; on 20 March 1980, for UA in excess of seven days; on 31 December 1980, for disobeying a lawful order by breaking restriction; on 3 February 1981, for failure to obey an order by not getting a haircut; and on 15 August 1981, for failure to obey a lawful order and UA. You were recommended for administrative separation due to a pattern of misconduct, and you exercised your right to request an administrative discharge board (ADB). The ADB voted to

administratively separate you for misconduct with an other than honorable (OTH) discharge. The separation authority approved the recommendation and on 25 November 1981, you were separated for misconduct with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization due to the seriousness of your misconduct. 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