



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

TRG
Docket No: 314-09
6 February 2009



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 3 February 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 4 August 1976 at age 19. During the period from 16 November 1976 to 27 February 1978 you received nonjudicial punishment on eight occasions. Your offenses were multiples instances of disobedience, disrespect, communicating a threat, a short period of unauthorized absence, and damaging a soda machine. On 11 July 1977 you completed a five week inpatient treatment for alcohol abuse.

Based on the foregoing record, you were processed for an administrative discharge. At that time, you elected to waive the right to have your case heard by an administrative discharge board. After review, the separation authority directed discharge under other than honorable conditions. On 11 July 1978 you received another nonjudicial punishment for an unauthorized absence of about 36 days. On 24 July 1978 you received the previously approved discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that alcoholism led to your misconduct. You desire recharacterization of your discharge because you have a hearing pending with the Immigration and Naturalization Service. The Board found that these factors and contention were not sufficient

to warrant recharacterization of your discharge given your record of misconduct. 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