



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

SMS  
Docket No: 1530-09  
23 April 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 22 April 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.

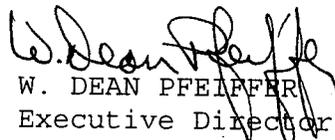
On 17 October 2005, you enlisted in the Marine Corps at age 19. On 6 February 2006, you were convicted by a summary court-martial for a 63 day period of unauthorized absence. On 6 February 2006, your commanding officer also initiated administrative separation by reason of misconduct due commission of a serious offense. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 24 February 2006, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 6 March 2006, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and regret for your misconduct. The Board also considered your explanation that personal problems contributed to your misconduct. Nevertheless, the Board concluded that these factors and explanation were not sufficient to warrant recharacterization of your service or changing the reenlistment code due to the seriousness of your misconduct. Furthermore, personal problems do not excuse misconduct. Regarding the reenlistment code, the Board substantially concurred

with the comments contained in the memorandum furnished by Headquarters Marine Corps, a copy of which is attached. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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

Enclosure