



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

TAL
Docket No: 02610-09
7 December 2009

[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 24 November 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.

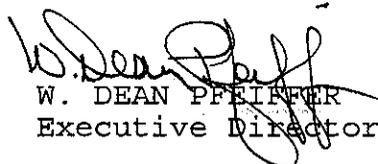
You enlisted in the Marine Corp and began a period of active duty on 20 November 1985 at age 18. On 30 July 1986, you were evaluated and advised that your body fat of 24% exceeded weight control standards and you were placed on a formal weight control and exercise program. On 29 October 1986, you were counseled for failure to make progress while on the weight control program. On 13 February 1987, you received nonjudicial punishment (NJP) for insubordinate conduct. On 19 February 1987, you were counseled again for failure to make progress while on the weight control program. On 1 March 1987 and 14 July 1987, you received NJP for insubordinate conduct. On 9 September 1987, you were counseled again for failure to make progress while on the weight control program. Additionally, with each counseling you were warned that your failure to conform to the Marine Corps weight and appearance standards could result in administrative discharge action. On 5 October 1987, you were notified of pending administrative separation action. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded your case, stating, in part, that you failed to conform to weight standards even after you were granted an extension during February 1987, and failed to make satisfactory progress as

evidenced by your failure to achieve your weight goal. Your commanding officer further stated, your retention would adversely affect the morale, discipline and military effectiveness of the organization. Subsequently, on 14 October 1987 you were separated with a general discharge due to unsatisfactory performance (failure to conform to weight standards)..

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the narrative reason for separation given the fact you did not adhere to your command's remedial weight control program. In this regard, the unsatisfactory performance narrative reason for separation is authorized when a Marine is discharged due to weight control failure and not recommended for retention. 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