



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

TAL
Docket No: 02653-09
29 December 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 9 December 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.

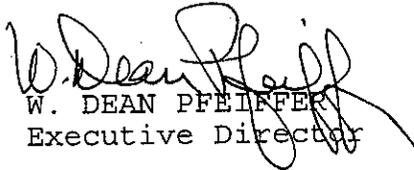
You enlisted in the Marine Corps and began a period of active duty on 28 June 1982 at age 18. On 19 July 1983, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 5 October 1983, you were convicted by summary court-martial (SCM) of wrongful possession of 2.5 grams of marijuana. On 12 December 1983, you received NJP for UA from your appointed place of duty. On 27 April 1984, you were convicted by SCM for a 60 day period of UA. On 28 December 1984, you received NJP for assault. Additionally, after two NJP's and two SCM's, you were counseled and warned that further misconduct could result in administrative discharge action. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for administrative discharge by reason of misconduct due to a pattern of misconduct. In connection with this processing, you would have acknowledged the separation action and your commanding officer would have forwarded his recommendation that you be discharged under other than honorable (OTH) conditions. On 1 February 1985, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 5 February 1985 you

were so discharged.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two SCM's and three NJP's, one of which was imposed after you were counseled and warned of the consequences of further misconduct. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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