



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

REC  
Docket No: 02999-09  
20 January 2010

[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 20 January 2010. 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 17 October 1972, at age 18. On 16 March 1973, you received nonjudicial punishment (NJP) for failing to obey a lawful order by being drunk and disorderly, and fighting in the enlisted club. On 22 June 1973, you received NJP for being absent from your appointed place of duty. On 11 July 1973, you received NJP for failing to obey a lawful order, resisting apprehension, breach of peace, disorderly conduct in uniform and absence from your appointed place of duty. On 15 October 1973, you received NJP for absence from your appointed place of duty. On 23 January 1974, you received NJP for losing your military identification card. You received an additional NJP for being absent from your appointed place of duty on 5 February 1974. You were counseled and warned that further misconduct could result in administrative discharge action. On 22 April 1974, you received NJP for failing to obey a lawful order.

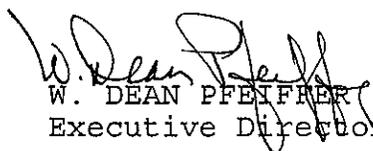
On 24 April 1974, administrative discharge action was initiated by reason of misconduct due to unfitness and frequent involvement of a discreditable nature with military authorities. Your

commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. On 10 June 1974, the discharge authority agreed with your commanding officer's recommendation and directed an other than honorable discharge. On 20 June 1974, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

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 your record of ten NJP's. Further, you are advised that there is no provision in the law or Navy regulations that allow for recharacterization of your discharge automatically due solely to the passage of time. 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