



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

CRS
Docket No: 6177-09
20 July 2009

[REDACTED]

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This is in reference to your request for further consideration of 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 8 July 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.

The Board found that you enlisted in the Marine Corps on 9 April 1996. You received two nonjudicial punishments for offenses that included unauthorized absences, disrespect, insubordination, malingering, violation of a base order, and while on light duty you were seen playing basketball.

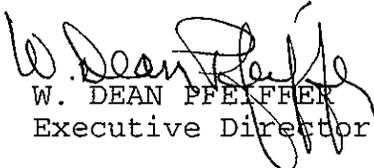
On 6 August 1997 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 16 September 1997 with a 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 good post service conduct. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given the nature and severity of your offenses. 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 PFEFFER
Executive Director