



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

BJG
Docket No: 8151-09
22 April 2010



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 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Marine Corps on 17 January 1989. You received nonjudicial punishment (NJP) on one occasion for a nine day period of unauthorized absence (UA). You were counseled on five occasions for writing worthless checks, UA, weight control problems, and an alcohol-related incident. On 12 January 1994, administrative processing was started for your weight control failure, however, you could not be separated at that time due to ongoing medical issues. On 15 March 1994, weight control failure administrative discharge processing was started again.

On 25 May 1994, you were eligible for promotion to sergeant, but were not recommended due to being assigned to the weight control program. On 2 September 1994, you received a general discharge for unsatisfactory performance (weight control failure), and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, and medical problems. However, the Board concluded that your general discharge should not be changed due to your NJP and weight control problems. In view of the above, 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