



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

TJR
Docket No: 8906-09
2 June 2010



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 1 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 16 July 1984 at age 18. On 4 December 1984 you were referred for a medical evaluation due to alcohol problems and depression. You were advised to continue your medication and rehabilitation program and seek assistance from a chaplain. On 28 February and 8 March 1985 you were again evaluated for various medical complaints. Subsequently, you were diagnosed with a mixed personality disorder which existed prior to your enlistment.

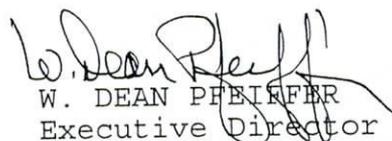
You served without disciplinary incident until April 1985. However, on 1 April and again on 18 April 1985, you received nonjudicial punishment (NJP) for two periods of failure to go to your appointed place of duty, absence from your appointed place of duty, a one day period of unauthorized absence (UA), and making and writing false official statements. On 23 April 1985 you were convicted by summary court-martial (SCM) of disobedience and assault.

Subsequently, you were processed for an administrative separation action by reason of misconduct. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 7 June 1985, an ADB recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. Your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct. On 17 June 1985 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to a pattern of misconduct and on 27 June 1985, you were so discharged. However, on 13 November 1985, the Naval Discharge Review Board (NDRB) changed the characterization of your service and issued you a general discharge by reason of misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant further recharacterization of your discharge because of the seriousness of your frequent misconduct which resulted in two NJPs and a SCM. Further, the Board noted that you were properly separated by reason of misconduct and that the NDRB recharacterized your service to general under honorable conditions. As such, the Board concluded that you were fortunate to receive a general discharge. Accordingly, your application has been denied.

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