



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

BJG  
Docket No: 9227-09  
26 May 2010



This is in reference to your application for correction of the naval record of your late brother, Mr. Robert P. Carabetta, 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 26 May 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 brother's naval record and applicable statutes, regulations and policies.

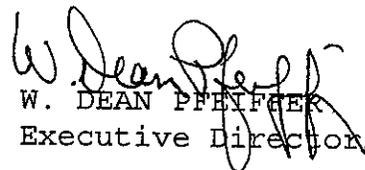
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that your brother entered active duty in the Marine Corps on 28 January 1991. He received nonjudicial punishment (NJP) on two occasions for underage drinking, wrongfully drinking alcoholic beverages in the barracks, and wrongful use of cocaine. After his first NJP, he was counseled and warned that further offenses could result in administrative separation. He was notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). He

waived all of his procedural rights, including his right to an administrative discharge board (ADB). On 25 November 1992, he received an OTH discharge for misconduct (drug abuse), and was assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your brother's youth and alcohol abuse. However, the Board concluded that his OTH discharge should not be changed due to his misconduct. The Board noted that he committed further misconduct after being counseled and warned that further offenses could result in administrative separation. The Board also noted that he waived his right to an ADB, his best opportunity for retention or a better characterization of service. 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