



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

BJG

Docket No: 9433-09

9 June 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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 June 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 9 March 1976. Your record is incomplete, but it shows that you had four periods of lost time totaling 438 days. Your record also reflects that you were notified of pending administrative separation processing with an other than honorable (OTH) discharge for misconduct (conviction by civil authorities). You elected to have your case heard by an administrative discharge board (ADB), which met and found misconduct (conviction by civil authorities) and recommended your separation with an OTH discharge. The

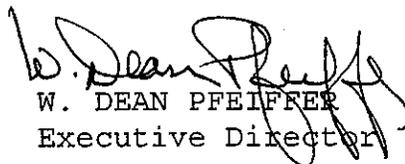
discharge authority concurred with the ADB's finding and recommendation, and you were so discharged on 16 April 1981, and assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. However, the Board concluded that your OTH discharge should not be changed due to your lengthy periods of lost time and civil conviction. 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.

Regarding your request to have your General Educational Development (GED) passage entered on your Certificate of Release or Discharge from Active Duty (DD Form 214), you are advised that your DD Form 214 became effective on your release from active duty, 16 April 1981, and you did not receive your GED until 6 May 2009.

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