



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

BAN  
Docket No: 10440-09  
7 July 2010

[REDACTED]

Dear [REDACTED]

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 July 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.

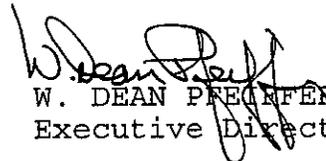
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered active duty in the Marine Corps on 30 August 1979, and served without disciplinary incident until 7 March 1980, when you received nonjudicial punishment (NJP) for possession of an illegal substance (marijuana). Shortly thereafter, you received the following disciplinary actions: on 20 January 1981, you received NJP for an unauthorized absence (UA) in excess of 11 days; on 1 December 1981, you were convicted at a special court-martial for UA in excess of two and one-half months; on 21 October 1982, you received NJP for UA and missing ship's movement; and on 27 December 1982, you received NJP for UA in excess of seven days. On 18 June 1983, at the expiration of your service obligation, you were not recommended for reenlistment and separated with a general discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your characterization of service. The Board found you were fortunate to receive a general discharge, because Marines who have committed misconduct normally are administratively separated under other than honorable conditions. 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 PFEIFFER  
Executive Director