



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

REC
Docket No: 10773-09
9 July 2010



Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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 enlisted in the Marine Corps on 9 July 1980, at age 17. On 31 May 1981, you commenced a period of unauthorized absence (UA) for three days. On 22 April 1981, a mental health evaluation was conducted and you were diagnosed with psychiatric problems, an immature personality, and a situational adjustment to adulthood, which showed a lack of motivation. On 15 June 1981, you were evaluated again and you made the statement that you were still unhappy with the Marine Corps and had since attempted suicide twice by cutting your wrists. On 8 July 1981, you received nonjudicial punishment (NJP) for failing to obey a lawful order by having possession of alcoholic beverages in the enlisted quarters. On 4 December 1981, you received NJP for failure to obey a lawful order and failure to go to your appointed place of duty. After your second NJP, you were counseled and warned that further misconduct could result in administrative separation. Administrative discharge action was initiated by reason of misconduct. Your case was heard by an administrative discharge board (ADB), which voted two to one in favor of an under other than honorable discharge. Your commanding officer concurred with the ADB's recommendation, and forwarded his recommendation that you be discharged with other than honorable conditions by reason of misconduct. However, your misconduct continued and on

11 February 1981, you were convicted by a special court-martial (SPCM) for assault, willfully disobeying a lawful command, being absent from your appointed place of duty and disobeying a lawful regulation. You were sentenced to forfeitures of \$900, and 60 days confinement at hard labor. On 1 April 1982, you received your fourth NJP for being absent from your appointed place of duty, and two incidents of disobeying a lawful order. Between 7 September and 20 September 1982, you were in a UA status. On 27 October 1982, you were convicted by your second SPCM for being disrespectful toward a commissioned officer and a fellow Marine, two incidents of disobeying a lawful order, sleeping on watch, being UA, falsely altering your identification card, and possession of marijuana and rolling papers. You were sentenced to forfeitures of \$1,400, four months confinement at hard labor and a bad conduct discharge (BCD). You began two more periods of UA totaling five days. You were placed on appellate leave on 27 December 1982. On 10 May 1983, after appellate review, you were discharged with a BCD.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of four NJP's and convictions by two SPCM's. 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