



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

CRS
Docket No: 11158-09
20 August 2010

[REDACTED]

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This is in reference to your application for correction of your naval record dated 30 September 2009, in which you requested correction of the characterization of service, reason for discharge, and your reentry code. The Board did not consider your request for correction of your reentry code, as that request was previously denied, and you have not submitted any new evidence concerning that request.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 August 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 enlisted in the Marine Corps on 17 January 1989. You received nonjudicial punishment and were convicted by a summary court-martial for offenses that included stealing a personal check from another Marine and uttering a check with intent to defraud.

On 25 March 1992 your commanding officer recommended that you be separated from the Marine Corps with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. Your commanding officer stated that the recommendation was based on civil charges of leaving the scene of an accident.

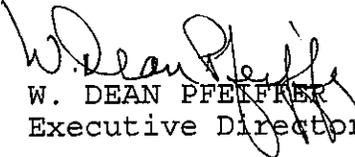
On 22 May 1992 an administrative discharge board recommended that you be separated from the Marine Corps with a discharge under

other than honorable conditions by reason of misconduct due to the commission of a serious offense. The specific basis of that recommendation is not shown in the available records. After review by the discharge authority, the recommendation for separation was approved and on 30 June 1992 you were separated with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the unsubstantiated contention to the effect that your commanding officer based your discharge on civil charges that were later dismissed. The Board concluded that those factors were insufficient to warrant recharacterization of your service or changing the reason for discharge. You were discharged in accordance with the approved findings and recommendation of an administrative discharge board, and have not demonstrated that the administrative discharge board acted improperly. Further, the Board was not persuaded that it would be in the interest of justice to upgrade your discharge. In this regard, your administrative discharge board was the final local authority in discharging you and not your commanding officer. 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