



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

SJN
Docket No: 11829-09
30 August 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 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.

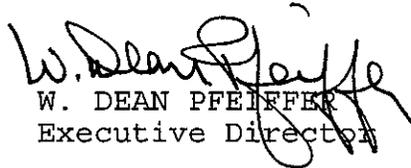
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 18 July 1978. The Board found that you received eight nonjudicial punishments (NJP's) for assault, six periods of unauthorized absence (UA) totaling 27 days, two instances of disobedience, disrespect, failure to go to your appointed place of duty, five instances of absence from your appointed place of duty, and disorderly conduct. On 15 April 1980, you were convicted by special court-martial (SPCM) of a 70 day period of UA, absence from your appointed place of duty, two specifications of failure to go to your appointed place of duty, leaving your appointed place of duty, disobedience, and escaping from custody. Finally, on 15 January 1981, you were apprehended and convicted by civil authorities of armed robbery. Subsequently, administrative discharge action was initiated by reason of misconduct due to civil conviction. Based on the information currently contained in your record it appears you were afforded all of your procedural rights, and your case was forwarded to the separation authority who directed that you be separated under other than honorable conditions by reason of misconduct due to civil conviction. You were so discharged on 29 June 1981.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your eight NJP's, conviction by SPCM, and civil conviction for what appears to have been for a very serious offense. 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