



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

TAL  
Docket No: 843-10  
26 October 2010

[REDACTED]

[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 20 October 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 12 June 1979 at age 18. You received nonjudicial punishment (NJP) on four occasions for such offenses as larceny, failure to go to your appointed place of duty, disobeying a lawful order, misbehavior as a sentinel by smoking marijuana on duty and four instances of unauthorized absence from your unit. On 29 May 1981, you were counseled for failure to appear at Onslow County District Court to answer charges of possession of marijuana. Based on the information currently contained in your record it appears that you were subsequently processed for administrative separation with an other than honorable (OTH) discharge due to misconduct. In connection with this processing, you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. You waived all of your procedural rights, including your right to an administrative discharge aboard (ADB). The record clearly shows that on 6 April 1982, you were discharged with an OTH discharge due to misconduct (frequent involvement).

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 the seriousness of your misconduct that resulted in four NJPs. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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