



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

TJR
Docket No: 1540-10
20 October 2010

[REDACTED]

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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 13 October 2010. The names and votes of the members of the panel will be furnished upon request. 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 21 October 1988 at age 18 and began a period of active duty on 19 July 1989. You served without disciplinary incident until 27 February 1990, when you received nonjudicial punishment (NJP) for a 29 day period of unauthorized absence (UA). You were also counselled regarding your substandard performance of duty and failure to conform to military standards. Shortly thereafter, on 10 June 1990, you received NJP for a seven day period of UA. About five months later, on 1 November 1991, you were counselled regarding your frequent involvement of a discreditable nature with military authorities and minor incidents that were prejudicial to good order and discipline.

On 4 March 1992 you received your third NJP for two periods of UA totalling 20 days and were awarded a \$500 forfeiture of pay, extra duty and restriction for 45 days, and a reduction to paygrade E-2. Subsequently, in April 1992, you were processed for an administrative separation by reason of misconduct due to minor disciplinary infractions. As a result of this action, the

discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 5 June 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and assertion that the minor infractions did not warrant discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in three NJPs and numerous counselling sessions for your poor performance. Accordingly, your application has been denied.

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