



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

TJR
Docket No: 1608-10
18 November 2010

[REDACTED]

[REDACTED]

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 16 November 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 14 May 1986 at age 18 and began a period of active duty on 27 May 1986. You served without disciplinary incident until 22 August 1986, when you received nonjudicial punishment (NJP) for wrongful appropriation of a newspaper.

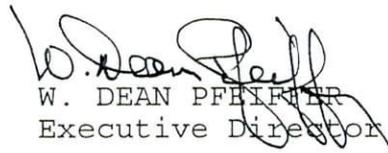
During the period from 27 July to 1 November 1988, you received NJP on four more occasions for two periods of unauthorized absence (UA) totalling three days, theft of a \$22.25 ham, two specifications of communicating threats, and assault. As a result, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct as evidenced by your record of five NJPs. However, on 24 February 1989, you received your sixth NJP for burglarizing another Marine's wall locker with intent to commit larceny. The punishment imposed was restriction and extra duty for four days, reduction to paygrade

E-1, and a \$690 forfeiture of pay. Subsequently, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to a pattern of misconduct, and on 28 February 1989, 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 and desire to upgrade your discharge. It also considered your statement regarding your period of service and the events which subsequently resulted in your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in six NJPs. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. 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