



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

TJR
Docket No: 1700-10
2 April 2010

[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 30 March 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 11 December 1984 at age 18 and served for approximately a year and six months without disciplinary infraction. However, during this period you were repeatedly counselled regarding your financial irresponsibility, nonrecommendation for promotion, careless attitude, poor performance, and lack of attention to detail.

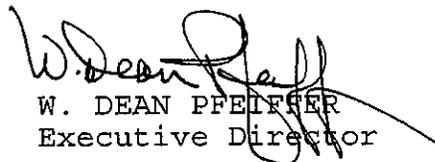
On 27 June 1986 you received nonjudicial punishment (NJP) for uttering a bad check. The punishment imposed was restriction and extra duty for seven days and a suspended forfeiture of pay. About four months later, on 14 October 1986, you were referred for participation in a Level II rehabilitation program based on your wrongful use of cocaine. Subsequently, you were referred for a psychiatric evaluation due to your significant history of cocaine and alcohol use.

On 24 November and again on 22 December 1986 you received NJP for three specifications of disobedience and disrespect. Subsequently, 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 13 February 1987, 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 the passage of time. It also considered your assertion that your discharge was due to personality conflicts. 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