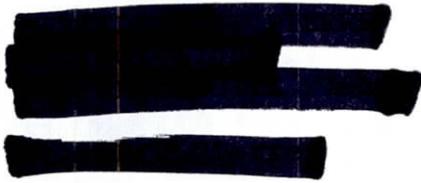




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2591-10
26 January 2011



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 19 January 2011. 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 5 September 1990 at age 17 and began a period of active duty. You served without disciplinary incident until 27 February 1991, when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA).

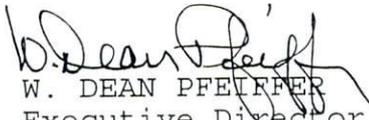
During the period from 12 January to 2 July 1993 you received NJP on three more occasions, and were counselled on several occasion regarding deficiencies in your performance and conduct, specifically periods of UA, unauthorized use of government telephones, lack of maturity, nonrecommendation for promotions, negligent indecent exposure, having a female in an unauthorized area, and failure to obey lawful orders. The offenses for which you received NJP were three specifications of failure to obey a lawful order, absence from your appointed place of duty, three specifications of disobedience, and breaking restriction.

Subsequently, 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 extensive record of disciplinary infractions and substandard performance. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge, and on 9 July 1993, 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 so that you may obtain medical benefits. It also considered your assertion that your misconduct off base had nothing to do with the Marine Corps. 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 four NJPs and repeated counselling sessions. 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