



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

TJR
Docket No: 2641-10
26 January 2011

[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 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 7 November 1989 at age 17 and began a period of active duty on 19 June 1990. You served without disciplinary incident until 16 October 1990, when you received nonjudicial punishment (NJP) for arson. The punishment imposed was reduction to paygrade E-1, restriction for 45 days, and a \$300 forfeiture of pay.

On 26 February and again on 4 April 1991 you received NJP for disobedience, wearing unauthorized ribbons, two specifications of disobedience, and conduct prejudice of good order by falsely stating that you participated in Operation Desert Storm and narrating false accounts about combat.

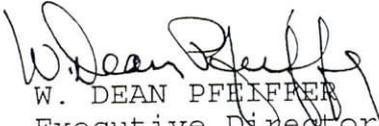
Subsequently, you were processed for an administrative separation by reason of misconduct due to minor disciplinary infractions. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 21 August 1991 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to minor disciplinary

infractions. On 24 September 1991 your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to minor disciplinary infractions. The discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 2 October 1991, you were so discharged and assigned an RE-4 reenlistment code.

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 period of honorable service in the Army National Guard. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code because of the seriousness of your repetitive misconduct which resulted in three NJPs. 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