



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

TAL
Docket No: 3729-10
14 January 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 12 January 2011. 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.

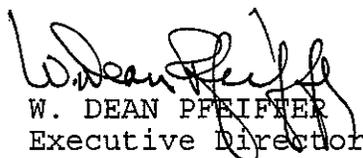
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps after over three years of honorable service. You received nonjudicial punishment (NJP) on five occasions for unauthorized absence (UA) from your unit, four instances of failure to go to your appointed place of duty, and wrongfully disobeying a lawful written order. After your third NJP, you were counseled and warned further misconduct could result in administrative separation. On 22 August 1984, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 11 October 1984, an ADB recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. Your commanding officer concurred with the ADB's recommendation and forwarded your case to the discharge authority for review. The separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct and on 29 October 1984, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in five NJPs. Additionally, after your third NJP, you were counseled and warned that further misconduct could result in administrative discharge action. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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