



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

CRS
Docket No: 5237-09
13 April 2010

[REDACTED]

[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 27 January 2010. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 31 January 1983. You received nonjudicial punishment on three occasions for offenses that included unauthorized absences, possession of pyrotechnics in the barracks, sleeping on post, use of marijuana, absence from appointed place of duty, and willful disobedience of a lawful order. On 29 March 1984 a physical evaluation board found you unfit for duty with an open comminuted fracture of the right patella.

On 15 May 1984 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct. On 23 May 1984 the Assistant Secretary of the Navy for Manpower and Reserve Affairs cancelled your disability proceedings. On 19 June 1984 you were separated from the Marine Corps by reason of misconduct with a discharge under other than honorable conditions.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, overall

service, and good post service conduct. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given the number and the severity of the offenses for which you were discharged. 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