



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

REC  
Docket No: 05254-10  
10 March 2011

  
  
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 9 March 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 enlisted in the Marine Corps and began active duty on 21 September 1983. On 22 August 1984, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty. On 26 April 1985, you were convicted by a summary court-martial (SCM) of wrongful use of marijuana and cocaine. You were sentenced to a forfeiture of \$400, reduction in pay grade, and confinement at hard labor for 30 days. On 2 March 1986, you received NJP for being derelict in the performance of your duties, and willfully refused to obey an order. On 12 March 1986, you received NJP for being absent from your appointed place of duty, and willfully communicating a threat to a noncommissioned officer. On 23 June 1987, you received NJP for being in an unauthorized absence (UA) status for one day, and failure to go to your appointed place of duty. On 12 August 1987, you were convicted by a second SCM of six incidents of failure to go to your appointed place of duty. You were sentenced to a forfeiture of \$300, and confinement at hard labor for 30 days. On 21 August 1987, administrative separation action was initiated by reason of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an

administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 28 August 1987, the discharge authority directed an OTH discharge by reason of misconduct. On 17 September 1987, you were discharged and received an OTH characterization of service by reason of your misconduct. At that time you were assigned an RE-4B (in service drug abuse) reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of five NJP's and conviction by two SCM's of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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