



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

RDZ:ecb
Docket No. 06618-10
14 October 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 13 October 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.

You enlisted in the Marine Corps on 7 September 1994. Your record also shows that you were fully briefed on the Marine Corps' zero tolerance drug policy. Although you enlisted for a term of four years you only served a little more than one year and six months and were involuntary separated with an other than honorable discharge (OTH) for misconduct. Specifically between April 1995 and April 1996 you received three nonjudicial punishments. Your offenses were unauthorized absence (UA) of 44 days, UA of four days, UA of 13 days and wrongful use of marijuana. When you were informed that you were being recommended for separation with an OTH you waived your right to appear before an administrative discharge board where with the

assistance of a military lawyer your could have requested retention or a better discharge.

In its review of your application the Board concluded that in view of your repeated acts of misconduct, several of which were serious, as well as your apparent willingness to accept an OTH rather than try to serve out your enlistment your discharge was legally proper and fair and should not be changed now as a matter of clemency.

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