



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

BAN  
Docket No: 06982-10  
31 March 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 30 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.

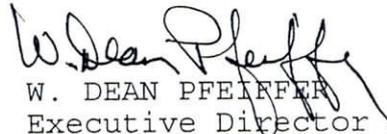
You entered active duty in the Marine Corps on 20 July 1978, and served without disciplinary incident until 3 March 1980, when you received nonjudicial punishment (NJP) for disobedience of a lawful order. Shortly thereafter, you received the following disciplinary actions: on 1 July 1980, you received NJP for wrongfully discharging a fire arm; on 30 January 1981, you received NJP for failure to obey a lawful order; on 9 January 1982, you received NJP for an unauthorized absence (UA); on 27 April 1982, you received NJP for UA; on 17 May 1982, you received NJP for UA; and on 27 May 1982, you were convicted at a summary court-martial of breaking restriction. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to your frequent involvement of a discreditable nature. You waived all of your procedural rights, to include your right to an administrative discharge board (ADB). The separation authority approved the recommendation, and on 2 July

1982, you were separated with an OTH discharge and 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 and claim that you did not warrant a separation code of JKA (pattern of misconduct). Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your separation code due to your frequent misconduct. Furthermore, the Board found you waived your right to an ADB, your best opportunity for retention, or a better characterization of service, and separation code. Finally, there is no provision of law or in regulations that allow for a change to your separation code due solely to the passage of time. 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