



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

RDZ:ecb
Docket No. 07468-10
4 February 2011

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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 2 February 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 27 December 1998 for a term of four years. Unfortunately you only served for a little more than one year and nine months and were separated with an other than honorable discharge (OTH) due to frequent acts of misconduct. More specifically between October 1999 and August 2000 you received nonjudicial punishment on two occasions. Your offenses were a 20 day period of unauthorized absence (UA), wrongful sexual intercourse with a man not your husband and wrongful cohabitation with this man. Moreover several months before your second NJP you were counseled about writing bad checks and continuing your inappropriate relationship with another man while you were still married.

Because of these events your commanding officer recommended that you be separated with an OTH. After your were informed of your commanding officer's recommendation and after conferring with a military lawyer you waived your right to appear before an administrative discharge where with the assistance of an attorney you could have offered evidence and arguments to show that you should be retained in the Marine Corps or in the alternative issued a better discharge. Consequently you were issued an OTH on 29 September 2000.

In its review of your application the Board concluded that in view of your repeated acts of misconduct as well as your apparent willingness to accept an OTH in order to gain an early release from the Marine Corps your discharge was properly issued 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

Enclosure