



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

RDZ:ecb
Docket No. 00079-11
22 April 2011

[REDACTED]

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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 12 April 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 1 October 1991. On 1 March 1992 you received nonjudicial punishment for underage drinking and being drunk and disorderly. About one month later you engaged in another incident of underage drinking and a written warning was placed in your record book. In July 1992 you participated in a drunken brawl at Camp Hansen, Okinawa and as a result you were referred to a Marine Corps substance abuse counseling center for treatment which you completed on 9 August 2002. Unfortunately on 14 October 2002 you were arrested by military authorities for driving without a license, drunken driving and recklessly operating a motor vehicle. Specifically, while drunk you drove a motor vehicle in and out of

a military convoy and taunted the other drivers by making provocative gestures.

In order to avoid trial by special court-martial and avoid the very real possibility of receiving a bad conduct discharge and a substantial period of confinement at hard labor you offered to plead guilty to the charges arising from 14 October 1992 at a summary court-martial and to accept an other than honorable discharge (OTH). Your commanding officer accepted your offer and you received an OTH on 4 April 2003.

In its review of your application the Board concluded that in view of your repetitive misconduct and seriousness of the offenses you committed on 14 October 2002 your discharge was proper as issued and should not be changed now as a matter of clemency. The Board believed that you were shown considerable leniency when your commanding officer decided not to refer your case to a special court-martial.

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