



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

RDZ:ecb
Docket No. 00122-11
13 April 2011

[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 7 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 12 April 1993. Unfortunately you were administratively separated with an other than honorable discharge (OTH) due to repeated acts of misconduct in June of 1996. Specifically between July 1993 and January 1996 you received two nonjudicial punishments and one summary court-martial. Your offenses were illegal consumption of alcohol, being drunk and disorderly, being absent from place of duty, failure to obey a lawful order, conspiracy to commit larceny, larceny of personal property and unlawful entry. Based on your disciplinary record you were notified on 25 April 1996 you were being recommended for an OTH at which time you waived your right to appear before an administrative discharge board (ADB) where with the assistance of a military lawyer

you could have requested retention or a better discharge.
Consequently you received an OTH on 28 June 1996.

In its review of your application the Board concluded that in view of your frequent acts of misconduct, some of which were serious, as well as your willingness to accept an OTH, your discharge was proper as 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