



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

TJR
Docket No: 939-11
21 October 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 18 October 2011. The names and votes of the members of the panel will be furnished upon request. 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 enlisted in the Marine Corps on 5 August 1975 at age 17 and served without disciplinary incident until 3 August 1976, when you received nonjudicial punishment (NJP) for dereliction of duty.

During the period from 4 May to 1 November 1977 you received NJP on three more occasions for absence from your appointed place of duty and three periods of unauthorized absence (UA) totalling 59 days. Shortly thereafter, on 5 January 1978, you were convicted by summary court-martial (SCM) of a 24 day period of UA. You were sentenced to reduction to paygrade E-1 and restriction for 60 days. On 1 February 1978 you again received NJP for breaking restriction and absence from your appointed place of duty.

Your record reflects that on 4 April 1978, after being charged by civil authorities of grand theft auto, you were released on bail. However, the record does not reflect the disciplinary action

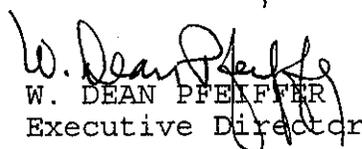
taken by civil authorities for this misconduct. About three months later, on 13 July 1978, you received your sixth NJP for absence from your appointed place of duty.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. On 9 November 1978 an administrative discharge board (ADB) recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. Your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions. The discharge authority approved the foregoing recommendations and on 11 January 1979 you were issued an other than honorable discharge.

The Board, in its review of your entire record and application carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion of a head injury. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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