



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

SJN  
Docket No: 01507-11  
5 December 2011

[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 29 November 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.

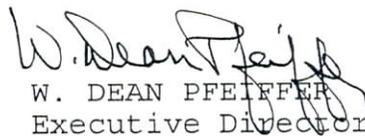
You enlisted in the Marine Corps and began a period of active duty on 12 December 1983. The Board found that on 17 October 1985, you were convicted by general court-martial (GCM) of two specifications of selling government property. You were sentenced to a reduction in paygrade and confinement at hard labor. During the period from 18 September 1986 to 28 October 1987, you received three nonjudicial punishments (NJP's) for two instances of driving on base when your privileges had been revoked, seven days of unauthorized absence (UA), and disobedience. Additionally, you were counseled and warned after your second NJP, that further misconduct could result in administrative discharge action. On 4 January 1988, you were convicted by summary court-martial (SCM) of two specifications of possession of ammunition and failure to clean your room. You were sentenced to confinement, a forfeiture of pay, and a reduction in paygrade. Based on the information currently contained in your record it appears that administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge

board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The discharge authority concurred and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 9 March 1988.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your convictions by a GCM and a SCM, three NJP's, and the fact that you were counseled and warned of the consequences of further misconduct. 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