



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

TJR
Docket No: 2336-11
1 December 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 29 November 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 25 December 1991 at age 18 and immediately began a period of active duty. You served without disciplinary incident until 29 March 1994, when you received nonjudicial punishment (NJP) for theft, specifically, shoplifting a food item valued at \$2.60. The punishment imposed was restriction and extra duty for 14 days and a \$238 forfeiture of pay, which was suspended for six months. On 6 April 1994 the foregoing suspended forfeitures were vacated due to your continued misconduct. Further, on 23 May 1994, you received NJP for breaking restriction which was imposed on 29 March 1994.

On 11 May and again on 10 October 1995 you received NJP for uttering a \$405.94 check without sufficient funds, absence from your appointed place of duty, a three day period of unauthorized absence (UA), making a false official statement, and failure to pay just debts in the amount of \$1,118.08.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct as evidenced by four NJPs. The discharge authority directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct due to a pattern of misconduct, and on 8 December 1995, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and assertion that your periods of UA were not your fault. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct, which resulted in four NJPs. 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