



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 3289-11  
23 January 2012

[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 January 2012. 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 27 March 1986 at age 20 and began a period of active duty. You served for about a year and two months without disciplinary incident. However, during the period from 26 May to 21 November 1989 you were convicted by summary court-martial (SCM) of negligent homicide and were sentenced to restriction for 50 days, hard labor for 45 days, and a \$500 forfeiture of pay. You also received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA), nine specifications of failure to obey a lawful order, altering an official document, specifically, a sick slip, and failure to pay your debts. The punishment imposed was restriction and extra duty for 45 days, a \$782 forfeiture of pay, and reduction to paygrade E-2.

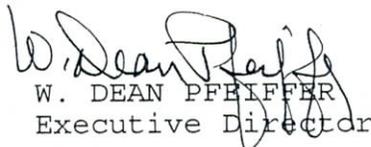
Subsequently, you were notified of pending administrative separation processing by reason of misconduct due to commission of a serious offense. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 12 December 1989, your

commanding officer recommended discharge under other than honorable conditions by reason of misconduct. On 2 March 1990 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 21 March 1990, 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, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in NJP and an SCM. 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