



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

TJR
Docket No: 4156-11
10 February 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 7 February 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 12 April 1979 at age 17. You served for a year and three months without disciplinary incident, but on 16 July and again on 24 October 1980 you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 11 days and disrespect. On 13 April and 30 September 1981 you received NJP for a four day period of UA and wearing an improper uniform in an unauthorized off-base area.

During the period from 28 April to 9 July 1982 you received NJP on three more occasions for five periods of UA totalling 45 days, two specifications of loss of government property, and failure to obey a lawful order.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights, your commanding officer recommended

discharge under other than honorable conditions. On 5 July 1982 the discharge authority approved this recommendation and directed discharge under other than honorable conditions by reason of misconduct, and on 19 July 1982, 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 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 repetitive misconduct which resulted in seven NJPs. Finally, you were given an opportunity to defend yourself but waived your procedural right to legal counsel and to present your case to an administrative discharge board. 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