



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

TJR  
Docket No: 5473-11  
8 March 2012

[REDACTED]

[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 6 March 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 26 October 1986 at age 18 and began a period of active duty on 2 July 1987. You served without disciplinary incident until 22 June 1989, when you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA). On 11 December 1989 you received NJP for absence from your appointed place of duty and two specifications of failure to obey a lawful order.

On 19 March 1990 you were convicted by civil authorities of seven counts of writing worthless checks. You also received NJP on this date for disobedience, and were counselled for writing worthless checks in both the military and civilian communities. On 18 May 1990 you received your fourth NJP for two specifications of disrespect and four specifications of failure to obey a lawful order. Shortly thereafter, you were convicted by summary court-martial (SCM) of three specifications of failure to obey a lawful order and sentenced to confinement for one month and a \$482 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. After waiving your procedural rights, on 12 August 1990, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 26 September 1990 the discharge authority approved this recommendation and directed discharge under other than honorable conditions by reason of misconduct, and on 2 October 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 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 in both the military and civilian communities. 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