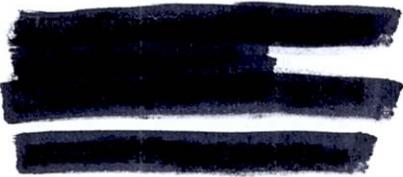




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 1537-12
5 December 2012



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 4 December 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 10 August 1979 at age 20 and began a period of active duty on 17 September 1979. You served without disciplinary incident until 28 October 1980 when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The following year, during the period from 19 August to 24 December 1981, you received NJP on three more occasions for absence from your appointed place of duty, disobedience by wrongfully possessing three bags of marijuana, failure to obey a lawful order by wrongfully possessing a knife with a four inch blade, and wrongful possession of marijuana.

On 19 January 1982 you were convicted by special court-martial (SPCM) of larceny of personal property, specifically, a \$200 stereo tuner. You were sentenced to confinement at hard labor for five months, a \$1,250 forfeiture of pay, and reduction to paygrade E-1. Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 22 March 1982, after waiving your procedural right to consult

with legal counsel and to present your case to an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature. On 28 March 1992 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 15 April 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 desire to upgrade your discharge, character reference letters, and the statement provided in support of your case which explains the circumstances surrounding your misconduct. 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 four NJPs and a court-martial conviction, and also included drug abuse. 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