



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

TJR
Docket No: 1644-12
5 December 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 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 1 December 1992 at age 28 and immediately began a period of active duty. You served without disciplinary infraction until 29 April 1994, when you were counselled regarding your frequent periods of absence from your place of duty. On 23 May 1994 you were again counselled for being derelict in the performance of your duties.

During the period from 25 January to 20 October 1995 you received nonjudicial punishment (NJP) on four occasions for repeated periods of absence and were counselled for attempting to evade the military police and the subsequent loss of your driving privileges.

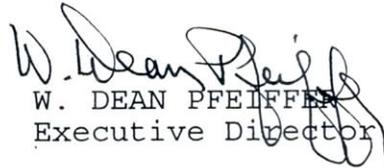
On 3 April 1996 you received your fifth NJP for an unspecified period of unauthorized absence (UA) and were awarded reduction to paygrade E-2. Shortly thereafter, you were notified of pending administrative separation action by reason of misconduct due to frequent disciplinary infractions. At that time you waived your

right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Subsequently, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 3 May 1996 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as desire to upgrade your discharge and assertion that your discharge was too harsh. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in five NJPs and repeated counselling. Finally, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. 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