



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

RDZ:ecb  
Docket No. 07215-12  
11 October 2012

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 2 October 2012. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 21 September 1998 for a term of four years. Unfortunately you only served a little over one year and nine months when you were administratively separated with an other than honorable discharge (OTH) due to frequent disciplinary infractions. Specifically between March 1999 and April 2000 you received nonjudicial punishment on three occasions. Your offenses were three instances of disobedience of orders, absence from appointed place of duty and being disrespectful in language, demeanor and deportment to a noncommissioned officer. Moreover during this same period of time you received four formal counseling sessions for deficiencies in conduct and performance and warned that if you

continued to engage in such behavior you could receive an unfavorable discharge. After your third nonjudicial punishment you were recommended for early separation with an OTH due to frequent disciplinary infractions. When you were informed of that recommendation you waived your right to appear before an administrative discharge board where with the assistance of a military lawyer you could have argued for and requested retention or a better discharge. Consequently after your case was reviewed by Marine Corps authorities you were issued an OTH.

In its review of your application the Board concluded that in view of your extensive disciplinary record, your failure to heed the repeated warnings given to you as well as your apparent willingness to accept an OTH rather than even attempt to finish out your enlistment your discharge was legally proper and fair and should not be changed now as a matter of clemency.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 PFIEFFER  
Executive Director