



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3857-00
27 June 2001

[REDACTED]

Dear [REDACTED]

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 19 June 2001. 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.

The Board found that you enlisted in the Marine Corps on 22 January 1985 at age 19. The record shows that during the period 3 April 1986 to 11 March 1988 you received nonjudicial punishment (NJP) on five occasions. Your offenses were four short periods of unauthorized absence totaling about three days and treating a sergeant with contempt. The punishments imposed included forfeitures of pay totaling \$855 and a reduction in grade to PFC (E-2). In addition, you were counseled on several occasions concerning absences from your appointed place of duty and failure to maintain a clean room. On 8 September 1986 you were recommended for an alcohol rehabilitation program.

Based on the foregoing record you were processed for an administrative discharge by reason of misconduct due to minor disciplinary infractions. An administrative discharge board met on 30 June 1988 and recommended a general discharge by reason of misconduct. Subsequently, the discharge authority approved the recommendation and directed a general discharge by reason of misconduct. However, the DD Form 214 shows that on 10 August 1988 you received an honorable discharge by reason of misconduct.

Please be advised that NJP evidence is routinely destroyed after a period of two years and documentation concerning your NJP's is unavailable. However, the Board noted that you committed offenses warranting disciplinary action and it was certainly within the commanding officer's discretion to impose NJP for those offenses. Concerning the reduction to PFC, the Board noted that the reduction was suspended for six months on 18 December 1987 and the suspension was vacated on 11 March 1988 in connection with the NJP of that same date. Since no other evidence is available, it appears that the reduction in grade was appropriate. The Board concluded that the commanding officer did not abuse his discretion when he disciplined you for your misconduct and the punishments imposed were not too severe.

The record shows that on 6 January 1988 you were diagnosed with a mixed personality disorder. However, there is no documentation in the record, and you have submitted none, to show that you suffered from any condition that would have warranted disability processing.

The Board found that a record that included five NJP's and counseling entries was sufficient to justify discharge processing by reason of misconduct and the issuance of a general discharge. However, as indicated, the DD Form 214 shows that you erroneously received an honorable discharge and action by the Board on the characterization of discharge issue is not necessary.

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 PFEIFFER
Executive Director