



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

TJR
Docket No: 4113-01
21 November 2001

[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 14 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 21 July 1988 at the age of 17. Your record reflects that you served for a year and two months without disciplinary incident but on 8 September 1989 you received nonjudicial punishment (NJP) for disrespect and were awarded a \$189 forfeiture of pay and restriction and extra duty for 14 days.

Your record further reflects that on 1 February 1990 you received NJP for disrespect and eight specifications of writing checks totalling \$210. The punishment imposed was a \$810 forfeiture of pay, restriction and extra duty for 45 days, and reduction to paygrade E-2.

On 21 August 1991 you received NJP for a day of unauthorized absence (UA). The punishment imposed was a \$176 forfeiture of pay and restriction and extra duty for 14 days. Approximately six months later, on 9 January 1992, you received your fourth NJP for disrespect and failure to go to your appointed place of duty. The punishment imposed was a \$234 forfeiture of pay and restriction and extra duty for 14 days.

Subsequently, on 23 January 1992 you were notified of pending administrative separation action by reason of misconduct due to minor disciplinary infractions and a pattern of misconduct. After consulting with legal counsel you elected to present your case to an administrative discharge board (ABD) and submit a letter of rebuttal to the discharge. On 2 February 1992 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to minor disciplinary infractions as evidenced by the four NJPs. However, on 28 February 1992, you withdrew your request for an ADB. On 16 March 1992 the discharge authority approved the commanding officer's recommendation and directed an other than honorable discharge by reason of misconduct. On 19 April 1992 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 immaturity, nature of your misconduct, length of your service, and your service in Southwest Asia during Operation Desert Shield/Storm. The Board also considered the explanations for your violations of the Uniformed Code of Military Justice (UCMJ). However, the Board concluded these factors and explanations were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in four NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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