



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

CRS
Docket No: 64-02
19 December 2002

[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, 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 17 December 2002. 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 7 October 1982. The record reflects that you received two nonjudicial punishments. The offenses included striking a sergeant in the face with your boot and permitting a Soviet bloc female into your assigned bedroom at the American Embassy.

On 5 January 1988 an administrative discharge board (ADB) recommended that you be separated with an other than honorable discharge by reason of misconduct due to commission of a serious offense; specifically, three instances of perjury, four instances of false swearing and two instances of false official statement. However, the discharge authority approved the recommendation for separation but directed a general discharge by reason of misconduct. You were so discharged on 5 February 1988. At that time, you were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that your ADB was unjust and that you were not

guilty. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your disciplinary record. In this regard, the Board concluded that any problems with the ADB procedure or findings were remedied when the discharge authority directed a general discharge instead of the other than honorable discharge recommended by the ADB. Therefore, the Board concluded that no change to the discharge is warranted.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reenlistment code.

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