



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

TJR  
Docket No: 7680-02  
20 November 2002

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

You reenlisted in the Marine Corps on 1 November 1983 after two years of prior honorable service. On 22 November 1984 and again on 11 February 1985 you were counselled regarding your lack of responsibility, failure to demonstrate leadership skills, continued lack of drive, and inattentive supervision of subordinates. On 21 March 1985 you received nonjudicial punishment (NJP) for sleeping on post and were awarded a \$400 forfeiture of pay, reduction to paygrade E-3, and restriction and extra duty or 30 days. The restriction and extra duty were suspended for six months. On 26 June 1985 you received NJP for absence from your appointed place of duty and were awarded a \$192 forfeiture of pay and restriction for 14 days. Additionally, the suspend restriction and extra duty awarded at the 21 March 1985 NJP were vacated at this time.

On 26 March 1986 you received NJP for uttering a \$240 check without sufficient funds. The punishment imposed was extra duty and restriction for 14 days and a suspended forfeiture of pay. On 8 April 1986 you were counselled regarding your lack of integrity.

On 28 April 1987 you were convicted by summary court-martial (SCM) of seven specifications of wrongfully and unlawfully uttering worthless checks. You were sentenced to confinement for 30 days, a \$426 forfeiture of pay, and reduction to paygrade E-1.

Subsequently, on 10 June 1987, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 16 June 1967 your commanding officer recommended an other than honorable discharge by reason of misconduct. This recommendation was approved and the discharge authority directed an other than honorable discharge by reason of misconduct. On 30 June 1987 you received an other than honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you received an other than honorable discharge as a result of personality conflicts between you and your superiors. It also considered your request that your reenlistment code should be changed so that you may reenlist and continue to work in your military occupational specialty. Nevertheless, the Board concluded these factors, contention, and request were not sufficient to warrant recharacterization of your discharge or a change in your reenlistment code because of your repetitive misconduct which resulted in four disciplinary actions. Further, an individual discharged by reason of misconduct must receive an RE-4 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