



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

TJR
Docket No: 1425-03
31 October 2003

[Redacted]
Dear [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 28 October 2003. 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 enlisted in the Marine Corps on 1 November 1978 at age 17.

During the period from 23 April to 1 November 1979 you received nonjudicial punishment (NJP) on four occasions for cheating, two specifications of drinking in the barracks, a 28 day period of unauthorized absence, and two periods of absence from your appointed place of duty. On 12 August 1980 you were counselled regarding the misappropriation and unauthorized use of a weapon.

On 8 January 1982 you received NJP for two periods of absence from your appointed place of duty and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 20 days, reduction to paygrade E-1, and a \$500 forfeiture of pay, a portion of which was suspended for six months. Shortly thereafter, on 18 January 1982, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 8 February 1982 your commanding officer

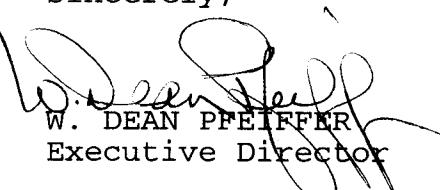
recommended separation under other than honorable conditions by reason of misconduct. Subsequently, on 4 May 1982, the discharge authority directed separation under other than honorable conditions by reason of misconduct due to frequent involvement with military authorities, and on 14 May 1982 you were 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the repetitive misconduct which resulted in five NJPs. 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