



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

TRG
Docket No: 2055-03
11 September 2003

[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 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 9 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps on 31 October 1980. At that time, you had completed about three years of active service on a prior enlistment. During the period from 2 August 1982 to 9 September 1984, you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were three instances of failure to go to your appointed place of duty, assault, altering your driver's license and resisting apprehension.

You were an unauthorized absentee from 5 June 1985 and thirty days later, you were declared a deserter. While you were in a desertion status you received a gunshot wound to the face and were seriously injured. You were considered to have returned from desertion when you were admitted to the hospital on 17 September 1985. The record shows that you remained hospitalized until 7 November 1985.

On 2 December 1985 you were notified of discharge processing by reason of misconduct due to a pattern of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On

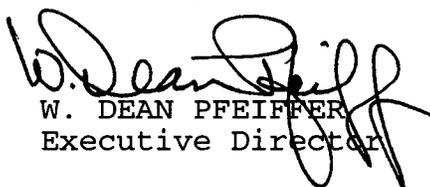
29 December 1995, you received nonjudicial punishment for the foregoing 102 days of desertion. Subsequently, the discharge authority directed discharge under other than honorable conditions. Before, the discharge could be issued, you began another period of unauthorized absence. Whether you ever returned to the Marine Corps cannot be ascertained from the record. You were discharged under other than honorable conditions on 30 March 1986.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and the fact that you were seriously injured while in the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization of the discharge given your repeated misconduct and especially the period of desertion. The Board was aware that you were seriously injured while you were in the Marine Corps. However, you are not entitled to benefits because the injury occurred while you were in a desertion status. The Board concluded that the 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