



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

TJR  
Docket No: 2930-07  
11 February 2008



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 5 February 2008. 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 24 January 1975 at age 18. You served for a year and two months without disciplinary incident, but during the period from 8 March to 12 December 1976 you received nonjudicial punishment (NJP) on five occasions for three periods of absence from your appointed place of duty, disobedience, and three periods of failure to go to your appointed place of duty.

On 21 January 1977 you received NJP for a seven day period of unauthorized absence (UA) and absence from your appointed place of duty. The punishment imposed was a reduction to paygrade E-1. On 14 April 1977 you were in a UA status for one day. However, no disciplinary action was taken for this misconduct. About a month later, on 19 May 1977, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB), and to make a statement regarding your discharge. On 26

May 1977 you received your seventh NJP for absence from your appointed place of duty and were awarded a \$360 forfeiture of pay, restriction for 25 days, and extra duty for 20 days.

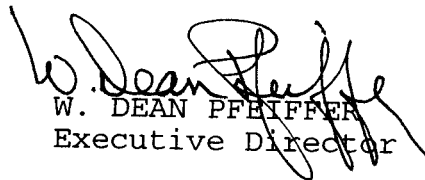
On 28 July 1977, an ADB recommended separation under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Subsequently, your commanding officer also recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities as evidenced by counselling for substandard performance, tardiness, personal appearance, nonrecommendation for promotion, frequent disciplinary involvement, failure to report, and seven NJPs. The discharge authority approved these recommendations and directed an other than honorable discharge, and on 19 September 1977 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 desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in seven 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 PFENFFER  
Executive Director