



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

CRS
Docket No: 2958-07
22 April 2008



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 5 March 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 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 13 January 1984. You received three nonjudicial punishments for offenses that included absence from appointed place of duty on two occasions, willful disobedience of a lawful order, and failure to maintain your uniform.

On 12 September 1986 your commanding officer recommended that you be separated from the Marine Corps with a general discharge by reason of misconduct due to minor disciplinary infractions. When informed of this recommendation, you elected to waive the right to submit a statement in your own behalf. The recommendation for separation was approved by the discharge authority, and you were separated by reason of misconduct on 8 October 1986 with a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your belief that sleep apnea caused your misconduct, and your desire to serve the country again through the Civil Air Patrol. The Board concluded that those factors were insufficient to warrant changing the characterization of or basis for your discharge, given your numerous minor disciplinary infractions. In addition, the Board

was not persuaded that your misconduct was related to the effects of undiagnosed sleep apnea. 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