



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

CRS
Docket No: 10300-07
24 September 2008

[REDACTED]

[REDACTED]

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 17 September 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.

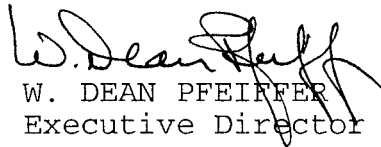
The Board found that you enlisted in the Marine Corps on 28 September 1981 with prior service in the Army Reserve. On 16 February 1984 you were convicted by civil authorities of drunk driving. The court sentenced you to confinement for six months which was suspended. Subsequently, you received nonjudicial punishment and were convicted by a summary court-martial and a special court-martial. The offenses included absence from appointed place of duty, failure to obey a lawful order, violation of a lawful general order, wrongful appropriation of a jeep, and an unauthorized absence of 27 days. On 8 May 1985, you were separated from the Navy by reason of a pattern of misconduct with a discharge under other than honorable conditions.

The Board was not persuaded that your misconduct was significantly mitigated by the effects of undiagnosed posttraumatic stress disorder. It concluded that your service was properly characterized as under other than honorable conditions in view of your repeated acts of misconduct. The Board concluded further that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge or to change the reason or authority therefor. 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