



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

TJR  
Docket No: 7727-11  
4 August 2011

[REDACTED]

[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 2 August 2011. The names and votes of the members of the panel will be furnished upon request. 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 Delayed Entry Program (DEP) on 31 May 1996 at age 17. Prior to your enlistment in the DEP, on or about 24 May 1996, you signed enlistment documents stating, in part, that you did not receive medical screening for treatment of a mental condition and/or disorder, and that you had not consulted with a mental health professional within a seven-year timeframe.

On 11 August 1997, at the age of 18, began a period of active duty. You served without disciplinary incident until 6 October 1998, when you received nonjudicial punishment (NJP) for failure to obey a lawful order by wrongfully wearing an earring. The punishment imposed was a \$463 forfeiture of pay and reduction to paygrade E-1.

On 5 May and again on 21 June 1999 you were counselled regarding deficiencies in your performance and conduct, specifically, being absent from your appointed place of duty on two occasions, failure to obey a lawful order, failure to maintain a lawful order, fraud against the government, presenting a false or fraudulent claim for payment, uttering a worthless check, failing to maintain sufficient funds in your checking account, disobedience, and unsatisfactory personal hygiene. On 17 August 1999 you were referred for a medical screening for alcohol and drug abuse. You were diagnosed with alcohol dependence and drug (marijuana) abuse and recommended for outpatient treatment. About a month later, on 8 September 1999, you received NJP for a 12 day period of unauthorized absence (UA) and were awarded restriction and extra duty for 30 days and a \$443 forfeiture of pay, which was suspended for six months. On 11 and 19 September 1999 you were suspected of reporting late for restriction on two occasions, underage drinking by consuming beer while on restriction, and failure to obey orders while on restriction. On 15 November 1991 you terminated your outpatient treatment and were recommended for an administrative separation.

In October 1999 you were the subject of an investigation regarding the possibility of fraudulent enlistment as evidenced by your failure to disclose your pre-service mental and medical disorders and treatment at the time of your entry into the DEP. As a result, you were recommended for an administrative separation by reason of defective enlistment due to fraudulent enlistment, drug abuse, and minor disciplinary infractions. You were also recommended for further psychological counselling and appropriate treatment for alcohol abuse/dependence.

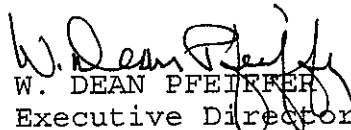
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and fraudulent enlistment. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and fraudulent enlistment. On 3 May 2000 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 13 August 2000 you were so discharged and assigned an RE-4 reenlistment code.

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 other than honorable discharge and change your RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code because of your repetitive drug and alcohol

related misconduct and failure to disclose your mental and medical disorders which resulted in your fraudulent enlistment. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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