



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

REC
Docket No: 08359-10
4 May 2011

[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 4 May 2011. 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 entered active duty in the Marine Corps on 27 January 1975. On 5 May 1976, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, and disobeying a lawful order. On 10 December 1976, you received NJP for being in an unauthorized absence (UA) status for one day. On 3 January 1977, you received NJP for an unknown period of UA. On 29 April 1977, you were convicted by civilian authorities in Beaufort, South Carolina, of possession of marijuana. You were sentenced to a fine of \$500, and two years probation. On 2 May 1977, you were convicted by a special court-martial (SPCM) of being UA for 29 days. You were sentenced to forfeitures of \$100. You were then recommended for administrative discharge due to misconduct. On 14 June 1977, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable (OTH) discharge due to misconduct. Your commanding officer concurred with the ADB's finding and recommended that you receive an OTH discharge by reason of misconduct. On 1 July 1977, you received the OTH due to misconduct. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of three NJP's, one civil conviction, and one SPCM for misconduct. 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