



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

SJN  
Docket No: 12184-10  
25 August 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 23 August 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 enlisted in the Marine Corps Reserve and began a period of active duty for training on 13 November 1974. During the period from 27 November to 24 December 1974, you received three nonjudicial punishments (NJP) for disrespect, two instances of the use of provoking speech, and larceny. On 12 May 1975, you were honorably released from initial active duty for training (IADT) and returned to your reserve unit. The record reflects that you requested to be released from the Marine Corps Reserve so that you could join the Regular Marine Corps. However, on 14 August 1975, your request was denied due to your disciplinary record while on IADT. Additionally, during the period from May 1977 to January 1978, you accumulated 15 unexcused drill absences. Subsequently, administrative discharge action was initiated by reason of misconduct due to your failure to maintain a satisfactory drilling status. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The discharge

authority concurred and directed an OTH discharge by reason of misconduct due to your non-participation in the Marine Corps Reserve. You received an OTH discharge on 13 February 1978.

The Board, in its review of your entire application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge or changing the reason for your discharge given your three NJP's during your IADT and failure to drill with your reserve unit. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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