



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

REC
Docket No: 10691-10
10 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 10 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 and began active duty on 8 April 1991. On 2 April 1992, you received nonjudicial punishment (NJP) for drinking alcohol and having women in your Bachelor Enlisted Quarters. On 17 November 1992, you received NJP for wrongfully wearing an earring. On 21 April 1993, you received NJP for willfully disobeying an order, making a false official statement, and failure to go to your appointed place of duty. On 19 August 1993, you received NJP for two occasions of failure to go to your appointed place of duty, being derelict in the performance of your duties, and violation a base order by speeding 75 miles per hour (MPH) in a 55 MPH zone. On 16 August 1993, administrative separation action was initiated by reason of misconduct. On 1 November 1993, 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 31 January 1994, the discharge authority directed an OTH discharge by reason of misconduct. On 10 February 1994, you were so discharged. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, contention of not being counseled to correct your deficiencies, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of four NJP's for misconduct. You are advised that an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. There is evidence in your record which is contrary to your contention. 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