



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

TJR
Docket No: 7823-98
7 May 1999

[REDACTED]

Dear [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 4 May 1999. 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.

The Board found you reenlisted in the Marine Corps on 18 August 1980 at the age of 18. Your record reflects that on 22 April 1981 you received nonjudicial punishment (NJP) for disobedience. The punishment imposed was forfeitures totalling \$100 and restriction and extra duty for 14 days. On 15 December 1981 you received NJP for wearing a private first class insignia. The punishment imposed was forfeitures totalling \$200

On 5 February, 12 July, and 14 October 1982 you received NJP for disrespect, disturbing the peace, two incidents of absence from your appointed place of duty, and disobedience. On 3 November 1982 you were convicted by summary court-martial (SCM) of breaking restriction. You were sentenced to confinement at hard labor for 29 days, reduction to paygrade E-1, and forfeitures totalling \$200. Shortly thereafter, on 2 December 1982, you were notified of pending administrative separation action by reason of misconduct due to minor disciplinary infractions. After consulting with legal counsel you waived your right to present your case to an administrative discharge board. Subsequently,

your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. On 23 December 1982 the discharge authority approved the foregoing recommendation and directed an other than honorable discharge. On 1 January 1983 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded so that your sons could have a goal in life. The Board further considered your contention that the downfall of your service was because you received poor counselling with basically no guidance. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct which resulted in five NJPs and a court-martial conviction. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention of having received poor counselling. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. 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