



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TRG  
Docket No: 8004-98  
19 March 1999

Dear [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 16 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 23 October 1978 at age 18. The record shows that you received nonjudicial punishment on six occasions and were convicted by a summary court-martial. Your offenses were five absences from your appointed place of duty, five instances of disobedience and disrespect.

Based on the foregoing record you were processed for an administrative discharge by reason of misconduct. The documentation to support discharge processing is not filed in your service record. However, the DD Form 214 indicates that you waived your right to have your case heard by an administrative discharge board. You were discharged under other than honorable conditions on 8 October 1981.

In its review of your application the Board weighed all potentially mitigating factors, such as your youth, limited education and your contention that you were told that your discharge would be upgraded after six months. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated misconduct. The Board was aware that there is no law or

regulations requires the upgrade of any discharge based solely on the passage of time. The Board concluded that the discharge was proper as issued 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