



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

ELP  
Docket No. 1013-01  
29 June 2001

[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 Navy Records, sitting in executive session, considered your application on 27 June 2001. 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 18 June 1980 for four years at age 18. The record reflects that you were advanced to LCPL (E-3) and served for nearly eight months without incident. However, during the 22 month period from February 1981 to December 1982 you received seven nonjudicial punishments (NJP). Your offenses consisted of absence from your appointed place of duty, two instances of sleeping on watch, two instances of being unable to perform your duties due to intoxication, two instances of disobedience, communicating a threat, and two brief periods of unauthorized absence (UA) totalling about a day.

The record further reflects that from February to May 1983 you participated in operations with a multi-national peacekeeping force in Beirut, Lebanon.

During the months of August and September 1983 you received two more NJPs for absence from your appointed place of duty. On 23 September 1983 you were notified that you were being recommended for an other than honorable discharge by reason of misconduct due to a pattern of misconduct as evidenced by the nine NJPs. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to present your case to an administrative discharge board (ADB). A staff judge advocate reviewed the discharge processing documentation and found it to be sufficient in law and fact. On 6 October 1983 the discharge authority directed discharge under other than honorable conditions due to misconduct. You were so discharged on 11 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been nearly 18 years since you were discharged. The Board noted your contentions that your service in Beirut was exemplary; you received the Navy Unit Commendation Medal for a rescue mission; and you believed that there were no realistic options to accepting an other than honorable discharge, and that such a discharge would have no affect your veterans' benefits. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of nine NJPs. The Board noted the aggravating factor that you waived your right to an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. While your short service in Beirut may have been exemplary, the Navy Unit Commendation Medal you received was not for individual effort but the unit's effort. Additionally, your service in Beirut did not overcome the excessive number of disciplinary actions which marred your 40 months of service. The fact that you were told your discharge would not affect your veterans benefits was erroneous and does not provide a valid basis for recharacterizing service. The Board concluded that you were guilty of too much misconduct to warrant recharacterization to honorable or under honorable conditions. 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