



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

TJR  
Docket No: 1117-01  
9 October 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 Naval Records, sitting in executive session, considered your application on 2 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 28 May 1996 at the age of 18. Your record reflects that you served for a year and three months without disciplinary incident. However, on 1 August 1997, you received nonjudicial punishment (NJP) for absence from your appointed place of duty and stealing \$566 in unauthorized long distance telephone services. The punishment imposed was a \$600 forfeiture of pay, which was suspended for six months, restriction and extra duty for 45 days, and reduction to paygrade E-1.

Your record further reflects that on 13 March 1998 you received NJP for absence from your appointed place of duty and were awarded a suspended forfeiture of pay, restriction for 30 days, extra duty for 15 days, and a suspended reduction in rank. Three days later, on 16 March 1998, you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and breaking restriction. You were sentenced to confinement for 30 days and a \$617 forfeiture of pay.

On 31 March 1998 you were notified of pending administrative separation action by reason of misconduct due to minor disciplinary infractions and a pattern of misconduct. At that time you waived your rights to consult with legal counsel, present your case to an administrative discharge board, and to submit a statement in rebuttal to the discharge. Your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to minor disciplinary infractions and a pattern of misconduct. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct, and on 29 May 1998 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you attempted to apply for a compassionate reassignment but were told your request was futile. However, the Board noted that you submitted no evidence in support of this contention, and the record contains no such evidence. The Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in two NJPs and a court-martial conviction during an enlistment which lasted only two years. Given all the circumstances of your case, the Board concluded your 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