



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

TJR  
Docket No: 1354-00  
27 June 2000



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 13 June 2000. 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 3 January 1990 at the age of 18. Your record reflects that you served for two years without incident. However, on 9 January and 23 March 1992, you received nonjudicial punishment (NJP) for failure to obey a lawful order and disrespect.

Your record further reflects that on 2 January 1993 you received NJP for absence from your appointed place of duty. The punishment imposed was a reduction in rank. On 24 June 1993 you received NJP for uttering two check without sufficient funds and were awarded forfeitures totalling \$752, restriction and extra duty for 45 days, and reduction to paygrade E-1. The forfeitures were suspended for six months.

On 14 July 1993 you were notified of pending administrative separation action by reason of misconduct due to minor infractions and a pattern of misconduct as evidenced by counselling violations and the four NJPs. After consulting with legal counsel you elected to present your case to an

administrative discharge board (ADB). On 19 August 1993 you received your fifth NJP for and failure to obey a lawful order. The punishment imposed was forfeitures totalling \$814, extra duty and restriction for 45 days. The suspended forfeitures awarded at the 24 June 1993 NJP were also vacated at this time. Later, after further consultation with legal counsel, you waived your right to an ADB. Your commanding officer then recommended you be issued an other than honorable discharge by reason of misconduct due to minor disciplinary infractions. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 27 September 1993 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 would like your discharge upgraded so that you may be eligible for veteran's benefits. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in five NJPs. Given all the circumstances of your case, the Board concluded the 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