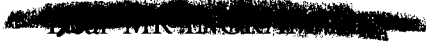




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 8003-00
14 August 2001



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 14 August 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. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1001 MMEA undated, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1001/1
MMEA

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR DOCKET NO. 8003-00 CASE OF [REDACTED]

1. We have carefully reviewed Mr. [REDACTED] case and recommend denial of his request for entitlement to full severance pay and reinstatement as a staff noncommissioned officer.
2. In a 13 November 2000 letter, [REDACTED] stated he learned an ALMAR exists which prohibits Marines from being discharged based solely on Non-judicial punishment. ALMAR 023/99, Commandant's Guidance, indicates Marines, "sometimes make mistakes," and that, "mistakes are not always indicative of future performance." However, in an interview with Sea Power magazine a few months later (Nov 1999) the Commandant clarified his intent, "certain things no commander can tolerate, such as stealing or taking illegal drugs."
3. On 1 September 1992 [REDACTED] was found guilty at Non Judicial Punishment (NJP) of violating two articles of the Uniform Code of Military Justice. On 22 August 1992, he violated article 121 by stealing two video tapes. On 27 August 1992, he violated article 107 for making a false official statement to a commissioned officer and staff non commissioned officer concerning the theft.
4. On 7 May 1996, the Career Planning Management Section informed Mr. [REDACTED] he would not be reenlisted and would only receive half separation pay per ALMAR 191/91. Additionally, according to MCO P1040.31, Enlisted Career Planning and Retention Manual, a Marine must meet all basic reenlistment prerequisites when applying for reenlistment. The above NJP was considered a core value violation and therefore made Mr. [REDACTED] unqualified for reenlistment. Per MCO P1900.16E, Marine Corps Separations and Retirement Manual, if a Marine does not meet all reenlistment prerequisites, only one half separations pay is authorized. Therefore, we recommend the Board for correction of Naval Records deny the request for full severance pay and reinstatement to staff noncommissioned officer.
5. Point of contact is GySgt [REDACTED] DSN 278-9235.

[REDACTED]
By direction of the Head, Enlisted Assignment Branch