



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

CRS  
Docket No: 8703-01  
11 April 2002

[REDACTED]

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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 10 April 2002. 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 Reserve for six years on 5 December 1975. In this regard, your enlistment contract required you to participate in 48 drills and perform 14 days of active duty for training (ACDUTRA) each year. You reported for initial ACDUTRA on 7 May 1976. On 3 August 1976 you were released from active duty and assigned to a Marine Corps Reserve Unit.

On 8 December 1978 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to shirking for failure to attend any regularly scheduled drills after August 1978. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 13 March 1979 you received an other than honorable discharge.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity, and the contentions that you attached to your application. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge. The Board noted the record reflects that you failed to attend scheduled drills over a period of time, and you have submitted no evidence to the contrary. This failure was sufficient to warrant an other than honorable discharge. 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