



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

TJR..
Docket No: 788-02
11 July 2002



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 9 July 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 incomplete naval record, a Naval Discharge Review Board (NDRB) decisional document, 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.

You enlisted in the Marine Corps on 1 June 1981 at the age of 17. You served for nearly two years without disciplinary incident until 11 May 1983, when you received nonjudicial punishment (NJP) for two specifications of disrespect, disobedience, and dereliction in the performance of your duties. The punishment imposed was a \$640 forfeiture of pay, reduction to paygrade E-2, and restriction and extra duty for 45 days. At that time you were warned that further acts of misconduct could make you eligible for an administrative separation under other than honorable conditions. On 11 October 1983 you received NJP for dereliction in the performance of your duties and were awarded a \$300 forfeiture of pay and reduction to paygrade E-1. Again, you were warned that further misconduct could result in an other than honorable discharge.

On 17 January 1984 you received your third NJP for disrespect and disobedience. The punishment imposed was a \$150 forfeiture of pay and restriction for 30 days.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military or civil authorities. Although the discharge processing documentation is not in the record, it appears that the discharge authority then directed an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military or civil authorities. The record clearly reflects that on 9 February 1984 you were so discharged with an RE-4 reenlistment code.

The Board, in its review of your case file and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like to serve for your country. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or a change of the RE-4 reenlistment code because of the serious nature of your repetitive misconduct which resulted in four NJPs. Further, individuals separated by reason of misconduct must receive an RE-4 reenlistment code. 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