



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

TRG
Docket No: 1854-02
14 August 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 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 6 August 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.

You were commissioned in the Marine Corps Reserve on 18 April 1976. Subsequently, you were designated a Naval Aviator and were promoted to captain. On 29 April 1983 you received nonjudicial punishment for disobeying an order to provide a urine sample; and conduct unbecoming an officer, specifically, providing water to collecting officials and stating that it was your urine. The punishment imposed was a forfeiture of pay and 60 days restriction.

Based on your record of misconduct, you were processed for an administrative discharge. On 18 July 1983, a board of officers found that you had committed misconduct and recommended discharge under other than honorable conditions. Subsequently, the Assistant Secretary of the Navy (Manpower & Reserve Affairs) approved the recommendation of the Commandant of the Marine Corps and directed your discharge under other than honorable conditions. You were so discharged on 31 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service and your claim of a good post service adjustment. The

Board found that these factors were not sufficient to warrant recharacterization of your discharge given the fact that you committed serious offenses as a commissioned officer. The Board concluded that the 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