



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

FC  
Docket No: 07210-02  
28 April 2003

[REDACTED]

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 23 April 2003. 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.

The Board found that you enlisted in the Marine Corps on 6 January 1981 at age 18. On 10 September 1982 you received nonjudicial punishment (NJP) for wearing utilities off base during unauthorized hours, and were awarded a forfeiture of pay. On 29 September 1982 you received a second NJP for failure to go to your appointed place of duty, and were awarded a forfeiture of pay and suspended restriction. On 8 October 1982 you received a third NJP for a brief period of unauthorized absence, and were awarded a suspended forfeiture of pay, restriction, and extra duty. On 12 January 1983 you were awarded a fourth NJP for failure to go to your appointed place of duty at the prescribed time and a brief period of unauthorized absence, and were awarded a forfeiture of pay and extra duty. On 26 January 1983 you received a fifth NJP for failure to go to your appointed place of duty at the prescribed time, and were awarded a reduction to paygrade E-2, a forfeiture of pay, and 30 days of correctional custody. On 6 July 1983 you received a sixth NJP for leaving your post without being relieved, and were awarded a forfeiture of pay and restriction.

On 2 August 1983, you were advised of administrative separation processing and waived all your procedural rights except the right to obtain copies of documents forwarded to the separation authority supporting the basis for separation. On that same day, the commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 11 August 1983, the assistant staff judge advocate concurred with the commanding officer's recommendation. On 15 August 1983, the separation authority directed separation and on 19 August 1983 you were discharged under other than honorable conditions.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your frequent and misconduct that resulted in six NJPs. Accordingly, your request 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