



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

JRE
Docket No: 7449-02
19 December 2002



This is in reference to your request for reconsideration of your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your original application was denied on 7 February 1978.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your request on 12 December 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. In this regard, it concurred with its findings of 7 February 1978. The Board noted that you were pending separation from the Marine Corps with an undesirable discharge prior to being referred for disability evaluation. You were granted a substantial benefit when your discharge was held in abeyance to permit you to undergo medical treatment and, ultimately, disability evaluation. During the period of suspension you received nonjudicial punishment on six occasions, which resulted in your being discharged by reason of misconduct, rather than physical disability. The Board concluded that in view of your extensive disciplinary record, which included a conviction by summary court-martial, and twelve instances of nonjudicial punishment, your service was appropriately characterized with a discharge under other than honorable conditions.

In the absence of evidence of error or injustice in connection with your discharge, the Board was unable to recommend any corrective action in your case. 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