



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

TRG
Docket No: 9689-02
23 August 2003

[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 17 June 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.

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 enlisted in the Marine Corps on 17 July 1978 at age 18. During the period 11 July 1978 to 3 August 1981 you received nonjudicial punishment on five occasions. Your offenses were possession of marijuana, resisting apprehension, two instances of disobedience and two instances of disrespect.

On 17 March 1981, you were notified of separation processing by reason of misconduct. About a month later, on 15 April 1981, you were convicted by a summary court-martial of disrespect and disobedience. You then served without incident for about 11 months.

An administrative discharge (ADB) convened on 23 March 1982 to considered your case. The recorder stated during the ADB that the delay was caused by the unit's deployment, counsel's unavailability, and the necessity of returning the discharge processing package for corrections on two occasions. The ADB found that you had committed misconduct due to frequent involvement with military authorities and recommended discharge under other than honorable conditions. On 5 April 1982 the discharge authority approved the recommendation of the ADB and

directed discharge under other than honorable conditions. You were so discharged on 16 April 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contentions that personal and marital problems contributed to your problems while in the Marine Corps. The Board also noted the one-year delay in the discharge processing, during which you served without any disciplinary infractions. However, the Board concluded that a record that included five nonjudicial punishments and a summary court-martial conviction was sufficient to support discharge processing and a characterization of service as under other than honorable conditions. 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