



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

TRG  
Docket No: 10618-02  
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 29 April 1993 at age 18. During the period 15 February 1994 to 21 October 1996, you received nonjudicial punishment on three occasions. Your offenses were disrespect, damaging government property, use of provoking speeches or gestures, a short period of unauthorized absence and disobedience. During that period, you were also counseled on seven occasions concerning failure to go to your appointed place of duty and for failure to meet physical readiness standards.

Based on the foregoing record, you were processed for an administrative discharge. Although the discharge processing documentation is not filed in your record, it is assumed that the processing was conducted in accordance with the regulations. On 31 January 1997 you were discharged under other than honorable conditions by reason of misconduct due to minor disciplinary infractions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for

a better discharge to improve your employment prospects. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your repeated misconduct, as evidenced by the three nonjudicial punishments and numerous counseling. It is clear that you did not respond to counseling and continued to be late for work and formations. 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