



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

SMW

Docket No: 10055-06

5 April 2007

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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 4 April 2007. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 14 December 1983 you enlisted in the Marine Corps at age 18 and served without incident for more than a year. However, on 4 January 1985 you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 23 October 1985 you were counseled regarding a belligerent attitude and disrespect toward superior non-commissioned officers and officers. On 11 December 1985 you were counseled regarding 17 bad checks totaling about \$600 and a poor attitude. You were also warned at that time that further infractions could result in disciplinary action or an administrative separation. On 12 March 1986 you received nonjudicial punishment (NJP) for disrespect, two instances of disobedience of a lawful order, and failure to go to your appointed place of duty.

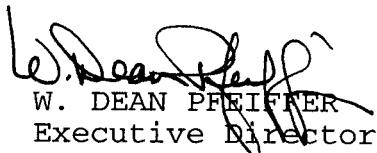
On 24 March 1986 your commanding officer (CO) initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, you acknowledged that separation could result in an other than

honorable discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 31 March 1986 the separation authority approved the recommendation and directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 7 April 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. The Board also considered your contention that you did not understand the discharge that you received and that you have been an outstanding citizen since discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were repeatedly warned that further infractions could result in disciplinary action or administrative separation. Regarding your contentions, the Board noted that you acknowledged that separation could result in an other than honorable discharge, and were aware of the consequences of receiving such a discharge. However, you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Finally, a Federal Bureau of Investigation (FBI) report shows several convictions since discharge. Therefore, 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