



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

TJR  
Docket No: 2811-07  
23 January 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 January 2008. 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.

You enlisted in the Marine Corps on 31 December 1980 at age 17 and served for a year and four months without disciplinary incident. However, on 23 April and 13 May 1982, you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and absence from your appointed place of duty.

On 29 August and again on 15 October 1983 you received NJP for absence from your appointed place of duty and a 15 day period of UA. About four months later, on 16 February 1984, you were convicted by summary court-martial (SCM) of wrongful possession of alcohol in the barracks. You were sentenced to confinement at hard labor for 21 days and a \$397 forfeiture of pay.

Subsequently, on 27 March 1984, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 31 May 1984 an ADB recommended separation under other

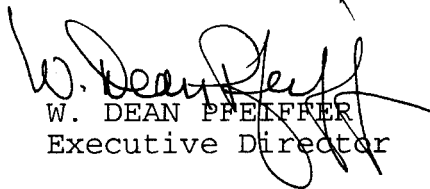
than honorable conditions by reason of misconduct due to a pattern of misconduct. On 2 June 1984 your commanding officer also recommended separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct as evidenced by four NJPs and one SCM. On 26 June 1984 the discharge authority approved these recommendations and directed an other than honorable discharge, and on 2 July 1984, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, period of service without disciplinary incident, time served in Beirut, post service conduct, and the passage of time. It also considered your assertion that you were processed for separation because you did not have enough time to serve on deployment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in four NJPs and a court-martial conviction. Further, there is no evidence in the record, and you submitted none, to support your assertion. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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