



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

TRG
Docket No: 8347-07
7 May 2008

[REDACTED]

[REDACTED]

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

You enlisted in the Marine Corps on 2 May 1989 at age 18. Subsequently, during the period from 30 December 1990 to 27 April 1991 you participated in Operation Desert Shield/Storm. On 2 July 1991 you received nonjudicial punishment (NJP) for an unauthorized absence of about seven days. On 30 October 1991 you were counseled following two incidents of abuse of your spouse, a period of unauthorized absence, driving under the influence and writing checks without sufficient funds. On 8 October 1991, you were again counseled concerning writing checks without sufficient funds. On 8 and 16 October 1991, you received NJP for drunk driving and theft of deodorant from the exchange.

Based on the foregoing record, you were processed for an administrative discharge by reason of a pattern of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 12 December 1991.

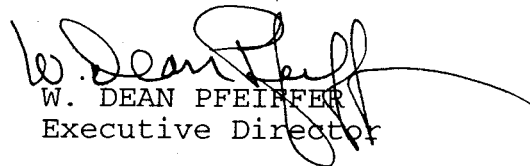
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, marital problems, problems with alcohol abuse and your contentions that

you were innocent of the theft from the exchange and that you have been a good citizen since discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct. The Board noted that you waived your right to have your case heard by an administrative discharge board, your last best chance to present mitigating factors to your command. 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