



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

RDZ:ecb
Docket No. 10506-07
22 August 2008

[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 13 August 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 26 June 1989 at age 18. On 11 July 1991 you received nonjudicial punishment (NJP) for writing a worthless check in the amount of \$219.95 to the Marine Corps Exchange. Approximately a month later you received a written warning about writing worthless checks to civilian authorities and were then given a second NJP for making a false official statement. Your third NJP occurred on 16 January 1992 for 21 days of unauthorized absence. Based on your record of misconduct you were recommended for administrative separation with an other than honorable (OTH) discharge. When informed of


this recommendation you waived your right to a hearing where you would have been represented by a military lawyer and in effect agreed to accept an OTH discharge which was issued to you on 3 March 1992.

In its review of all the evidence of record the Board concluded that in view of your repeated acts of misconduct and willingness to accept an OTH discharge, your discharge was proper as issued and should not be changed now as a matter of clemency.

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