



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

TRG  
Docket No: 4353-08  
6 February 2009



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 3 February 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 6 February 1979 at age 18. During the period from 11 December 1979 to 4 May 1981 you received nonjudicial punishment on five occasions. Your offenses were three instances of disobedience, disrespect and multiple absences from your appointed place of duty. The record shows that you had back problems and at one point were placed on six months limited duty. However, your last two disciplinary actions occurred after your return to full duty.

Based on the foregoing record of misconduct you were processed for discharge by reason of misconduct. Although your record is incomplete it appears that you elected to waive the right to have your case heard by an administrative discharge board. Subsequently the separation authority directed discharge under other than honorable conditions and you were separated on 25 June 1981.

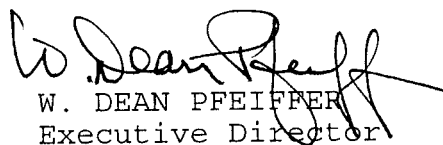
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, possible ongoing problems with your back and contention that you were not properly advised of the possible adverse consequences of a discharge under other than honorable conditions. The Board found that these factors and contention were not sufficient to warrant

recharacterization of your discharge given your record of misconduct. 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