



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

SJN  
Docket No: 09171-08  
7 August 2009

[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 4 August 2009. 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 and began a period of active duty on 9 September 1986 at age 19. On 1 May and 27 June 1989, you received nonjudicial punishment (NJP) for two instances of absence from your appointed place of duty, disobedience, and seven days of unauthorized absence (UA). Additionally, you were counseled regarding your attitude, UA, and unprofessionalism.

On 8 September 1989, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

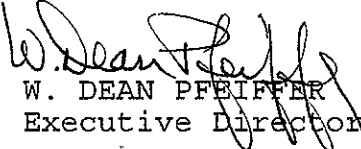
On 6 October 1989, an ADB unanimously found that you had committed misconduct due to commission of a serious offense, and recommended discharge under honorable conditions. Subsequently, your commanding officer (CO) concurred with the ADB and forwarded

your case to the discharge authority for review. On 21 November 1989, the discharge authority directed a general discharge by reason of misconduct. On 22 November 1989, you received a third NJP for two specifications of disrespect. You were so discharged the same day.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of three NJP's, one of which occurred after you were notified of your pending separation. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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