



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

BJG
Docket No: 9302-08
15 July 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 15 July 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 and medical records, and applicable statutes, regulations and policies.

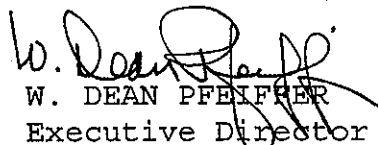
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Marine Corps on 5 December 1984. You received nonjudicial punishment on two occasions and a summary court-martial for 14 specifications of unauthorized absence. On 4 December 1985, you were diagnosed with a passive-aggressive personality disorder. You were counseled on several occasions for substandard performance, failure to pay just debts, and assault. On 25 June 1987, you were notified of pending administrative separation processing for an other than honorable (OTH) discharge due to a pattern of misconduct. You waived your right to an administrative discharge board (ADB).

The separation authority approved your OTH discharge for a pattern of misconduct, and you were so discharged on 24 August 1987, with an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, and hardship and medical issues. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge because of your repetitive misconduct. The Board noted that you waived your right to an ABB, which was your best opportunity for retention or a better characterization of service. In view of the above, 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

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