



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

RDZ:ecb  
Docket No. 11243-08  
7 December 2009

[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 1 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your record shows that during the period from June 1987 to October 1991 you received nonjudicial punishment on five occasions. Your offenses were willful disobedience of an order from a commissioned officer, willful disobedience of an order of a noncommissioned officer on two occasions, fraudulently issuing bad checks on five occasions and being disrespectful in language to a senior noncommissioned officer. As a result of your frequent acts of misconduct your commanding officer recommended that you be administratively separated with an other than honorable discharge (OTH). After being informed of your right

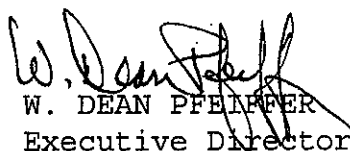
to appear before an administrative discharge board, where you would be represented by a military lawyer and where you could request retention or a better discharge, you opted to waive your rights and accept an OTH. You were so discharged on 3 January 1992. In accordance with Marine Corps regulations you were issued on RE-4 reenlistment code.

In its review of your application the Board concluded that in light of your extensive disciplinary record both your discharge and reenlistment code were properly 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