



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

TAL
Docket No: 01934-09
7 December 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 24 November 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.

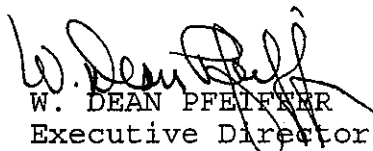
You enlisted in the Marine Corps and began a period of active duty on 16 June 1980 at age 22. On 16 January 1981, you received nonjudicial punishment (NJP) for the theft of a vehicle decal. On 12 March 1981, you received NJP for unauthorized absence (UA) from your appointed place of duty. On 18 May you were enrolled in an alcohol rehabilitation program, but you were terminated on 29 May 1981 for failure to cooperate. On 7 December 1981, you received NJP for two instances of UA from your appointed place of duty. On 22 December 1981, you were notified that administrative separation action was initiated under the expeditious discharge program. On 29 December 1981, the commanding officer forwarded his recommendation for separation, and on 22 January 1982 you were separated with a general discharge.

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 recharacterization of your discharge given the seriousness of your misconduct and alcohol rehabilitation failure. The Board also believed that you were fortunate to receive a general discharge since a characterization under other than honorable conditions is often directed when a Sailor is separated 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