



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

REC  
Docket No: 02153-09  
17 December 2009

[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 15 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 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 15 June 1988, at age 17. On 20 February 1990, you received nonjudicial punishment (NJP) for failing to go to your appointed place of duty, and willfully disobeying an order. On 14 September 1990, you received NJP for a period of unauthorized absence (UA) of four days. You were counseled and warned that further misconduct could result in administrative discharge action. On 11 April 1991, you were convicted at a special court-martial (SPCM) for two charges of assaulting a fellow Marine. You were sentenced to forfeiture of \$900, and confinement at hard labor for 75 days. On 1 November 1991, you received NJP for failing to go to your appointed place of duty.

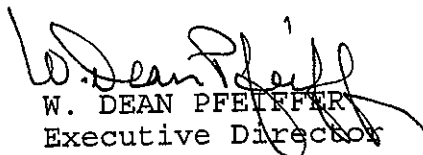
On 26 February 1992, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You requested to have your case heard by an administrative discharge board (ADB). The ADB voted three to zero in favor of an under other than honorable discharge due to a pattern of misconduct. Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by

reason of a pattern of misconduct. On 1 June 1992, the discharge authority directed an other than honorable discharge by reason of misconduct. On 5 June 1992, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

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 your record of three NJP's and conviction at a SPCM. Further you are advised that there is no provision in the law or Navy regulations that allow for recharacterization of your discharge automatically due solely to the passage of time. 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