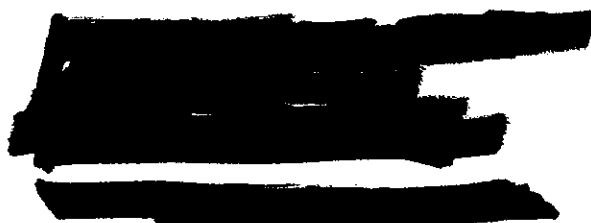




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 10712-09
12 August 2010



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 10 August 2010. The names and votes of the members of the panel will be furnished upon request. 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 reenlisted in the Marine Corps on 17 July 1986 after more than three years of prior honorable service. You continued to serve for about seven months without disciplinary incident, but on 12 February and again on 30 November 1987, you received nonjudicial punishment (NJP) on for communicating a threat and disrespect.

On 3 June 1988 you were you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), you submitted a written request for an honorable discharge. However, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 7 June 1988 the discharge authority approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 1 July 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and desire to upgrade your discharge based on your entire record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your second discharge because of your repetitive misconduct during your second period of active duty. Finally, you were given the opportunity to possibly obtain a better characterization of service, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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