



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

SJN
Docket No: 00965-10
28 October 2010

[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 26 October 2010. 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 7 November 1984 after serving four years of honorable service. The Board found that you received four nonjudicial punishments (NJP's) for operating a motor vehicle while drunk, two instances of failure to go to your appointed place of duty, driving on base when your driving privileges were revoked, three days of unauthorized absence, dereliction of duty, and sleeping on post. You were convicted by civil authorities of driving under the influence (DUI) of alcohol, leaving the scene of an accident, and careless and reckless driving. Additionally, you were counseled and warned after your second NJP that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 5 August 1987, the ADB unanimously recommended separation with an other than honorable discharge by reason of misconduct due to a pattern of misconduct. Your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 20 August 1987,

the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 28 August 1987 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's, civil conviction for DUI, and the fact that you were counseled and warned after your second NJP of the consequences of further 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