



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

BJG
Docket No: 4252-10
19 January 2011

[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 19 January 2011. 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.


You entered active duty in the Marine Corps on 4 June 1980. You received nonjudicial punishment on five occasions for failure to go to your appointed place of duty (six specifications), unauthorized absence (two specifications totaling five days), disrespect, willfully disobeying a lawful order (two specifications), and failure to obey a lawful order. You were notified of pending administrative separation processing with an under other than honorable conditions discharge due to misconduct (pattern of misconduct). You

elected to have your case heard by an administrative discharge board (ADB), which met and found that you had committed misconduct (pattern of misconduct) and recommended your separation with an under other than honorable conditions discharge. The discharge authority concurred with the ADB's finding and recommendation. On 23 December 1983, you were discharged under other than honorable conditions due to misconduct (pattern of misconduct), and assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and character reference letters. However, the Board concluded that your under other than honorable conditions discharge should not be changed due to your numerous acts of misconduct. In view of the above, 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