



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

TAL  
Docket No: 4634-10  
31 January 2011



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 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 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 3 November 1982. You received nonjudicial punishment (NJP) on six occasions for wrongfully and unlawfully obtaining answers to an examination with intent to deceive and pass the Basic Supply Stock Control Course, two instances of unauthorized absence (UA) from your unit, failure to go to your appointed place of duty, failure to obey a lawful order, disobeying a lawful regulation by operating a vehicle without a proper Japanese operator's permit, driving while impaired by alcohol, contributing to the delinquency of a minor by providing alcohol to a 17 year old female and breaking restriction. You were counseled and warned further misconduct could result in administrative separation. On 27 March 1985, you were notified of pending administrative separation action with an other than honorable (OTH) discharge by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you waived your right to an administrative discharge board (ADB). On 9 April 1985 you received the OTH discharge for misconduct due to a pattern of misconduct.

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 that resulted in six NJPs. The Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, concerning your alleged alcohol problem, there is no indication in the record that such problem, if it existed at the time of your service, was so serious as to mitigate your actions or warrant recharacterization of your discharge. 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