



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

TAL  
Docket No: 5727-10  
18 February 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 16 February 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 15 April 1989 at age 17. You received nonjudicial punishment (NJP) on three occasions for dereliction in performance of duty, two instances of insubordinate conduct toward a noncommissioned officer, disobeying a lawful written regulation, and failure to go to your appointed place of duty. On 13 November 1987 you were in an unauthorized absence (UA) from your unit for a period of three days that ended 16 November 1987. After your second NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were afforded a reasonable opportunity to overcome your deficiencies, which you negated by your third NJP and a period of UA. Based on the information currently contained in your record it appears that you were subsequently processed for separation by reason of misconduct due to a pattern of misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ABD). On 9 March 1988, 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 a change in the characterization of service or narrative reason of your discharge given the seriousness of your misconduct that resulted in three NJPs. The Board noted that after you were counseled and warned that further misconduct could result in administrative separation, you committed more offenses. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, no discharge is upgraded merely because of the passage of time or an individual's good behavior after discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Each branch of the Armed Forces established its own criteria for enlistment within the provisions of federal law. The characterization, narrative reason for separation, and reenlistment code assigned by the Marine Corps are not binding upon the other services, which are free to accept or reject an application on the basis of their own standards. If another branch of service decides to grant you a waiver and accept you for enlistment, the Marine Corps will not object.

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