



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

BJG
Docket No: 7110-10
23 March 2011

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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 22 March 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 21 July 1978. You failed to disclose that you had been convicted by a special court-martial in the Army of the wrongful possession of marijuana. You received nonjudicial punishment on six occasions for assault, unauthorized absence (three specifications totaling 38 days), failure to go to your appointed place of duty, and absence from your appointed place of duty. You were notified of pending administrative separation processing with an under other than honorable

conditions discharge due to misconduct. You waived your procedural right to an administrative discharge board (ADB). Your commanding officer recommended to the separation authority that you be discharged with an under other than honorable conditions characterization of service. The discharge authority concurred with your commanding officer's recommendation. On 28 April 1980, you were discharged under other than honorable conditions due to 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 and recruiter misconduct. However, the Board concluded that your discharge should not be changed due to your numerous acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention of a better characterization of service. You are advised that no discharge is upgraded automatically due merely to the passage of time or post service good conduct. 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