



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

REC  
Docket No: 07251-10  
7 April 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 6 April 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.

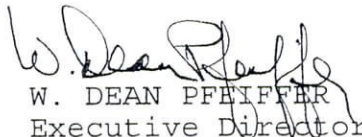
You enlisted in the Marine Corps and began a period of active duty on 16 April 1973. On 4 November 1973, you received nonjudicial punishment (NJP) for sleeping on watch. On 11 February 1974, you received NJP for failure to obey a lawful order. On 19 March 1975, you received NJP for disobeying a lawful order. On 4 August 1975, you received NJP two incidents of dereliction in the performance of your duties, failure to go to your appointed place of duty, and willful disobedience of a noncommissioned officer. On 3 September 1975, you received NJP for being in an unauthorized absence (UA) status for five days. On 2 October 1975, you received NJP for insubordinate conduct toward a noncommissioned officer. On 29 December 1975, you received NJP for being UA for three days. On 26 January 1976, you received NJP for being UA for three days and smoking while on watch. On 23 March 1976, you received NJP for misbehavior of a sentinel by sleeping on security watch. You were informed that you would receive a general discharge at the expiration of your term of active obligated service and an RE-4 reenlistment code

since you were not recommended for reenlistment. The discharge authority directed a general discharge. You were so discharged on 26 April 1976.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of nine NJP's for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed 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