



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

TJR
Docket No: 10252-10
8 July 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 July 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 17 July 1990 at age 19 and immediately began a period of active duty. You served for two years without disciplinary incident but during the period from 24 July to 15 December 1992 you received nonjudicial punishment (NJP) on three occasions for two periods of unauthorized absence (UA) totalling 26 days and absence from your appointed place of duty.

On 6 January 1993 you received your fourth NJP for malingering as evidenced by cutting your wrist to avoid duty assignment. The punishment imposed was reduction to paygrade E-1 and restriction and extra duty for 45 days. Subsequently, you were processed for an administrative separation by reason of misconduct due to minor disciplinary infractions. As a result of this action, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 19 February 1993, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and assertion that you were suffering from an undiagnosed post traumatic stress syndrome. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in four NJPs. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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