



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

SJN
Docket No: 10518-10
7 July 2011

[REDACTED]

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 6 July 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 September 1977. During the period from 8 April 1981 to 2 June 1982, you received four nonjudicial punishments (NJP's) for two instances of disobedience and four instances of being absent from your appointed place of duty. Subsequently, your commanding officer notified you that under the provisions of the expeditious discharge

program, separation action was being initiated by reason of convenience of the government due to your frequent involvement with military authorizes. Your case was forwarded and the discharge authority directed a general discharge. On 11 August 1982 you were so discharged. At that time, you were assigned an RE-4 reenlistment code and not recommended for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would change automatically. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the reason or characterization of your discharge given your four NJP's. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. Further, an RE-4 reenlistment code must be assigned to all Marines discharged due to misconduct. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization automatically after six months or due solely to the passage of time. 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