



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

BJG
Docket No: 2647-11
6 December 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 22 November 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 enlisted in the Marine Corps and entered active duty on 28 September 1977. You received nonjudicial punishment on four occasions for absence from your appointed place of duty (three specifications), disobeying a lawful order, a four day period of unauthorized absence, and being incapacitated for the performance of your duties. You were then notified that you were being administratively separated due to misconduct with an other than honorable (OTH) characterization of service. You elected to have your case heard by an administrative discharge

board (ADB). The ADB found that you had you erroneously enlisted and recommended a type warranted by service record characterization of service. On 2 October 1978, you received a general discharge due to convenience of the government.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and lack of education. However, the Board concluded that your discharge should not be changed because of your misconduct. The Board noted that you were fortunate to receive a general discharge, since individuals who have committed misconduct such as yours normally receive an OTH characterization of service. You are advised that no discharge is upgraded 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