



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

REC  
Docket No: 02717-11  
17 January 2012

[REDACTED]

[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 13 January 2012. 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.

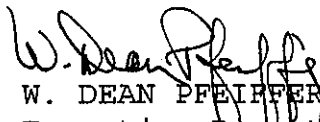
You enlisted in the Marine Corps and began active duty on 23 January 1974. On 15 April 1974, you were delivered to civilian authorities in the state of New Jersey for charges of contributing to the delinquency of a minor, breaking and entering, larceny, and possession of stolen property. On 11 June 1974, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for seven days. On 27 September 1974, you were convicted by a special court-martial (SPCM) of being UA for 45 days. You were sentenced to a forfeiture of \$100, and confinement at hard labor for 45 days. You commenced another period of UA from 2 December 1974 to 8 February 1975 that ended when you were apprehended by civilian authorities. On 5 March 1975, you were again apprehended by civilian authorities for assault with an offensive weapon. Your commanding officer recommended you for administrative separation

due to misconduct. On 20 July 1975, you commenced a period of UA that lasted 38 days. You requested to have your case heard by an administrative discharge board (ADB). On 14 October 1975, an ADB was convened and recommended that you receive an under other than honorable (OTH) discharge due to misconduct and your failure to properly disclose prior service civil involvement that consisted of twelve arrests vice the two that you disclosed on your in-processing paperwork. On 22 October 1975, the discharge authority directed an OTH discharge by reason of misconduct, specifically fraudulent enlistment. On 17 November 1975, you were discharged and received an OTH characterization of service by reason of misconduct. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, due to your fraudulent enlistment as well as your disciplinary record of one NJP, and one conviction by a SPCM and arrests by civil authorities. You are advised that an RE-4 reenlistment code is required when an individual is discharged for misconduct and is not recommended for retention. 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