



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

REC

Docket No: 03524-11
7 February 2012

[REDACTED]

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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 1 February 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 a period of active duty on 7 September 1988. On 12 July 1989, you were convicted by a summary court-martial (SCM) of sleeping on post, and sitting while on watch. You were sentenced to a forfeiture of \$466, reduction in pay grade, and confinement at hard labor for 30 days. On 18 July 1990, you were convicted by a special court-martial (SPCM) of three incidents of disobeying a direct order, dereliction in the performance of duty, and sitting while on post. You were sentenced to a forfeiture of \$800, reduction in pay grade, and confinement at hard labor for 75 days. On 28 May 1991, you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 26 September 1991, administrative separation action was initiated by reason of misconduct. You elected to have your case heard by an administrative discharge

board (ADB), which found that you had committed misconduct, and recommended an other than honorable (OTH) characterization of service. Your commanding officer concurred with the ADB's finding and recommended that you be discharged under OTH conditions by reason of misconduct. On 26 May 1992, the discharge authority directed an OTH discharge by reason of misconduct. On 10 June 1992, you were discharged and received an OTH characterization of service by reason of misconduct. At that time you were assigned an RE-4 reentry 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, given your record of convictions by a SCM, a SPCM, and an NJP for 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