



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

TAL
Docket No: 4217-11
10 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 2 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.

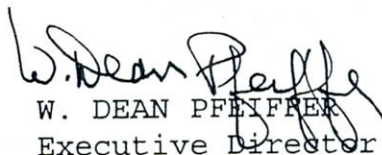
You enlisted in the Marine Corps and began a period of active duty on 24 June 1977 at age 18. On 24 January 1978, you were a suspect in a case under investigation by the Office of the Provost Marshall at Marine Corps Base, Camp Lejeune, North Carolina, involving larceny of private property of a cassette tape player and tapes. On 21 February 1978, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of four days. On 20 March 1978 you were UA from your unit for a period of 81 days until you were apprehended in Dearborn Heights, Michigan. An investigation was initiated into your fraudulent enlistment based on your application for enlistment. On 10 June 1978, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. You waived all of your

procedural rights, including your right to an administrative discharge board (ADB). On 11 August 1978, you received the OTH discharge for misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an NJP, period of UA totaling over two months, and fraudulent enlistment. The Board noted that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. 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