



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

SJN  
Docket No: 05310-11  
1 March 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 28 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 27 December 1979. The Board found that on 11 December 1980 and 29 April 1981, you received nonjudicial punishment (NJP) for assault, and drunk and disorderly conduct. During the period from 30 July to 6 November 1981, you were in hands of civil authorities for missing a court date. On 5 and 6 November 1981, you pled and were found guilty of assault with a deadly weapon. It appears you returned to your command and during the period from 9 November to 22 December 1981, you received three additional NJP's for two instances of failure to go to your appointed place of duty and two instances of disobedience. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian

authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). On 11 May 1982, your commanding officer forwarded your case recommending separation due to misconduct. On 4 June 1982, the separation authority concurred and directed discharge under other than honorable conditions by reason of misconduct. The record shows that you were a hospital inpatient due to a grenade explosion, from 11 June to 6 July 1982. On 7 July 1982, you received a sixth NJP for failure to go to your appointed place of duty and disobedience. Although the facts were not found in your record, it appears you were once again in hands of civil authorities from 20 to 23 August 1982. You were discharged with an other than honorable characterization of service on 1 October 1982.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your six NJP's and involvement with civil authorities. The Board also noted that you waived an ADB, your best chance 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