



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

RDZ:ecb
Docket No. 06566-11
21 October 2011

[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 20 October 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 at age 21 on 7 October 2002 for a term of four years. Unfortunately you served less than three years and were discharged on 8 September 2005 with an other than honorable discharge (OTH) due to frequent acts misconduct. Specifically between October 2003 and April 2005 you received nonjudicial punishment on two occasions and were convicted by summary court-martial. Your offenses were unauthorized absence, being disrespectful to a noncommissioned officer, failure to obey a lawful order and failure to go to your appointed place of duty. When you were informed that you were being recommended for administrative separation with an OTH you waived your right to appear before an administrative discharge board where with the assistance of a

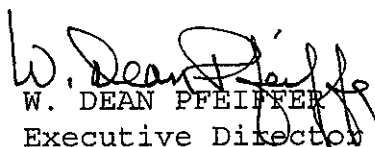
military lawyer your could have argued for retention or a better discharge.

In its review of your application the Board concluded that in view of the frequency of your misconduct as well as your willingness to accept an OTH rather than try to serve out your enlistment your discharge was proper as issued and should not be changed now as a matter of clemency.

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