



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

CRS
Docket No: 10041-11
8 November 2012

[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 11 July 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 5 August 1976. On 11 August 1977, you received nonjudicial punishment (NJP) for having possession of marijuana. On 21 February 1978, you received NJP for failure to obey a lawful order, and being in an unauthorized absence (UA) status for one day. On 21 June 1978, you received NJP for being absent from your appointed place of duty. On 11 September 1978, you received NJP for failure to obey a lawful order. On 8 February 1979, you received NJP for being UA for 15 days. Administrative separation action was then initiated by reason of misconduct. You waived your right to have your case heard by an administrative discharge board (ADB). On 8 March 1979, your commanding officer forwarded his recommendation that you be discharged under OTH conditions by reason of misconduct due to frequent involvement of a discreditable nature with military

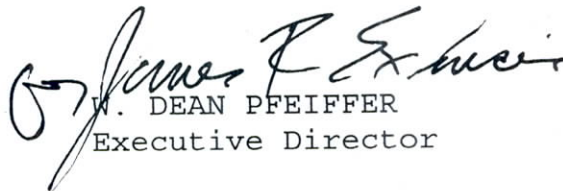
authorities. The discharge authority directed an OTH discharge by reason of misconduct. On 15 June 1979, you received an OTH discharge for misconduct (frequent involvement of a discreditable nature). At that time you were assigned an RE-4 reenlistment code.

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, given your record of five NJP's for misconduct. 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,


J. DEAN PFEIFFER
Executive Director