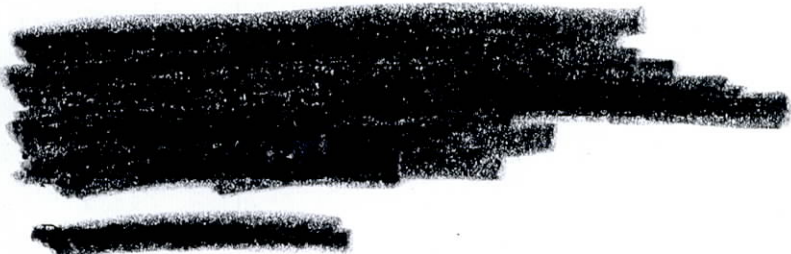




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3596-12
21 February 2013



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 February 2013. The names and votes of the members of the panel will be furnished upon request. 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 on 1 May 1975 and immediately began a period of active duty. You served without disciplinary incident until 26 August 1977 when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. About seven months later, on 1 March 1977, you received NJP for failure to obey a lawful order. On 8 August 1977 you received your third NJP for disobedience.

On 7 February 1978 you were convicted by special court-martial (SPCM) of a 32 day period of unauthorized absence (UA), two specifications of disrespect, disobedience, using provoking speech, assault, drunk and disorderly conduct, and two specifications of breach of peace.

In May 1978 you were transferred to the Marine Corps Reserve under honorable conditions. On 25 May 1978, upon the expiration of your enlistment, you were issued a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, assertion of alcoholism, and desire to upgrade the characterization of your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in three NJPs and an SPCM. Finally, Marines with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Accordingly, your application has been denied.

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