



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

TJR
Docket No: 4606-02
29 January 2003

[REDACTED]

[REDACTED]

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 23 January 2003. 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 23 February 1984 at the age of 28. On 29 November 1984 you received nonjudicial punishment (NJP) for two periods of failure to go to your appointed place of duty and were awarded a \$100 forfeiture of pay and a suspended reduction to paygrade E-1.

On 22 November 1985 you received NJP for two specifications of disobedience. The punishment imposed was extra duty for 14 days, a suspended reduction to paygrade E-2, and a \$100 forfeiture of pay. On 10 December 1985 you were counselled regarding your substandard conduct, substandard performance of duty, inability or unwillingness to accept military discipline, disregard for authority, and inability to maintain minimum physical readiness and personal appearance standards.

On 20 June 1986 you received your third NJP for failure to obey a lawful order and were awarded reduction to paygrade E-2. Subsequently, you were processed for separation by reason of misconduct due to a pattern of misconduct. The discharge

authority directed an other than honorable discharge by reason of misconduct, and on 12 October 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, character reference letters, and your contention that you believe your minor disciplinary infractions did not warrant separation by reason of a pattern of misconduct. Nevertheless, the Board concluded recharacterization of your discharge was not warranted because of your frequent misconduct and overall substandard performance. 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