



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

TJR
Docket No: 2451-01
9 October 2001

[REDACTED]

Dear [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 2 October 2001. 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.

The Board found you enlisted in the Marine Corps on 13 June 1979 at the age of 17. Your record reflects that during the period from 8 February to 24 November 1980 you received nonjudicial punishment (NJP) on three occasions for a day of unauthorized absence (UA), breaking restriction, possession of alcoholic beverages in your room, and possession of marijuana. On 13 and 16 August 1981 you received NJP for three periods of UA totalling four days and failure to obey a lawful order.

Your record further reflects that on 19 January 1982 you were convicted by special court-martial (SPCM) of disrespect and assault. You were sentenced to confinement at hard labor for three months, a \$900 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was approved at all levels of review and on 7 April 1983 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your good post service conduct. However, the Board concluded these factors were not sufficient to

warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, including drug abuse and assault, which resulted in five NJPs and a court-martial conviction. Given the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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