



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

CRS
Docket No: 3741-02
17 October 2002



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 9 October 2002. 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.

The Board found that you enlisted in the Marine Corps on 6 October 1988. The record reflects that you received three nonjudicial punishments for unauthorized absences totalling six days, making unauthorized phone calls on four occasions, making a false official statement, and use of cocaine.

A special court-martial convened on 1 December 1991 and found you guilty of an unauthorized absence of 37 days. The court sentenced you to confinement at hard labor for 60 days, forfeitures of \$250 per month for two months, reduction in pay grade, and a bad conduct discharge. You received the bad conduct discharge on 29 April 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you are now recovering from drug addiction. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your extensive disciplinary record which included

unauthorized absences totalling more than a month, larceny, false statement and drug abuse. 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