



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

CRS
Docket No: 6732-02
28 August 2003

[REDACTED]

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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 27 August 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 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 26 April 1979. The record reflects that you received three nonjudicial punishments and were convicted by a summary court-martial. The offenses included an unauthorized absence of two days, absence from your appointed place of duty, dereliction of duty, breaking restriction, and disobedience of a lawful order.

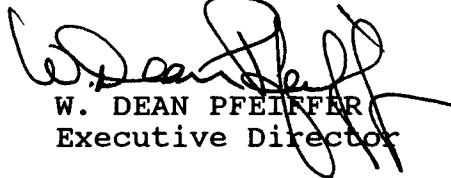
A special court-martial convened on 21 January 1981 and found you guilty of stealing a stereo, robbery of \$15, and unlawfully entering a barracks storeroom with the intent to wrongfully appropriate. The court sentenced you to confinement at hard labor for five months, forfeitures of \$334 per month for five months, and a bad conduct discharge. Subsequently, you received a fourth nonjudicial punishment for disobedience of a lawful order, absence from your appointed place of duty, and losing your identification card. You received the bad conduct discharge on 17 September 1982.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of the offenses. 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