



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

TRG
Docket No: 5039-03
29 October 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 21 October 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.

You enlisted in the Navy on 8 October 1985 with about four years of prior service in the Marine Corps. You then served in an excellent manner for almost 16 years. On 16 September 2000, you were advanced to senior chief petty officer (RPCS; E-8).

A special court-martial convened on 18 September 2001 and convicted you, in accordance with your plea, of wrongful use of a Department of Defense (DOD) travel card for the period 15 December 2000 to 27 May 2001, and larceny of various items in the amount of \$9,000. In accordance with the pretrial agreement, the approved sentence of the court was a reduction in rate to petty officer first class (RP1; E-6). You transferred to the Fleet Reserve as an RP1 on 31 October 2001.

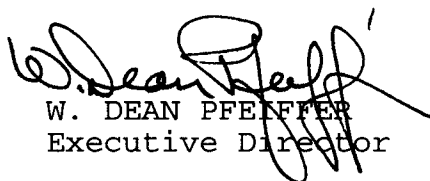
You state in your application, in effect, that you were mentally ill at the time you used the DOD credit card and attempted suicide after you lost over \$8,000 while gambling. You allege that you have paid off the debt and believe a reduction in rate of two pay grades was unduly severe, given the loss of income over the remainder of your life. You contend that a reduction of one pay grade would have been an appropriate punishment.

The Board believed that it was proper to hold a senior chief petty officer to a high standard of conduct, and referral of the charges to a court-martial was appropriate. The Board also noted that you pled guilty to the two charges, were sentenced to a reduction of two pay grades in accordance with a plea bargain, and were then allowed to transfer to the Fleet Reserve. Since the punishment could have been much more severe and you received the benefit of your bargain, the Board concluded that your record should not be corrected to show that you were only reduced one pay grade.

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