



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

CRS  
Docket No: 502-08  
24 March 2009

[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 25 February 2009. 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.

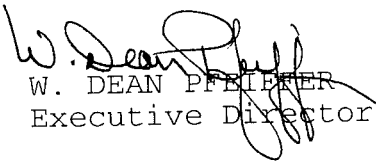
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 6 September 1990. On 13 February 2006, while you were serving on extended active duty as a recalled reservist, a special court-martial found you guilty of engaging in an unduly familiar relationship with two junior Marines and willfully failing to perform your duties. The court sentenced you to a forfeiture of \$500 per month for two months, reduction to E-5, and restriction for 60 days, which was suspended. On 13 March 2006 you were honorably released from active duty and transferred to the Marine Corps Reserve.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your overall service and the contention that you were unjustly court-martialed. The Board concluded that those factors were insufficient to reinstate you to E-6. The Board noted that it is precluded by law from taking any action that would disturb the finality of a court-martial, and that it may modify a sentence as a matter of clemency only. It concluded that clemency was not warranted in your case. 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