



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

CRS
Docket No: 5759-09
25 October 2010

[REDACTED]

[REDACTED]

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 20 October 2010. 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 Navy Reserve on 2 September 1981. You received nonjudicial punishment on three occasions and were convicted by a summary court-martial for offenses that included three periods of unauthorized absence, destruction of government property, failure to obey a lawful order, disrespect, possession and consumption of alcohol while in a restricted status, and drunk driving.

On 15 July 1986 a special court-martial convened and found you guilty of two periods of unauthorized absence, failure to go to appointed place of duty, disrespect, and incapacitation for duty. The court sentenced you to confinement for 75 days, forfeiture of \$200.00 per month for six months, and reduction in pay grade to E-1. You were honorably released from active duty on 21 November 1986 and assigned a reenlistment code of RE-4.


The Board carefully considered your desire to return to active duty; however it was not persuaded that your reenlistment code was assigned in error, or that its continued presence in your

record is unjust. The code is clearly warranted by your extensive disciplinary record. Further, as you have not established that your reduction to pay grade E-1 was erroneous or unjust, there is no basis for correcting your record to show that you were discharged in grade E-3. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The period of time lost from 15 July 1985 to 1 September 1986 which is shown in your DD Form 214 is erroneous. It should be from 15 July 1986 to 1 September 1986, the period of confinement from the sentence of your special court-martial. You should contact Headquarters Marine Corps, Code MMSB, Quantico VA 22134 in order to have it administratively corrected.

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