



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

TAL
Docket No: 021-10
21 September 2010



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 15 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 22 September 1987 at age 21. You received nonjudicial punishment (NJP) on five occasions from 2 March 1988 through 5 June 1989 for wrongful solicitation of money, unauthorized absence (UA) from your appointed place of duty, withdrawal of \$150 from a credit union with insufficient funds, and two instances of failure to go to your appointed place of duty. On 12 June 1989, you were convicted by summary court-martial of a seven day period of UA from your unit, two instances of insubordinate conduct toward a noncommissioned officer, two instances of disobeying a lawful order by dereliction and sleeping on duty. On 30 August 1989, you received NJP for UA from your appointed place of duty. On 7 November 1989, you were convicted by special court-martial of failure to go to your appointed place of duty, writing four checks with insufficient funds for a total of \$810.00 and breaking restriction. The sentence imposed was 75 days confinement, forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). On 10 October 1991, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in six NJP's, a SCM, and a SPCM conviction. 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