



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

CRS  
Docket No: 5375-10  
21 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 29 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 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 24 August 1998. You received nonjudicial punishment on four occasions for offenses that included willfully destroying military property, uttering checks, making and uttering worthless checks, and failure to go to appointed place of duty.

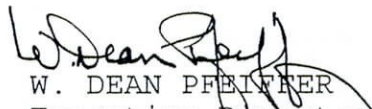
On 6 July 2001 a special court-martial was convened and found you guilty of making worthless checks. The court sentenced you to confinement for 90 days, forfeiture of pay, reduction in rate, and a bad conduct discharge. You were so discharged on 19 February 2004.

The Board did not accept your unsubstantiated contention to the effect that you suffered from mental disorder which caused your misconduct. In addition, it was not persuaded that your misconduct was significantly extenuated or mitigated by the effects of a mental disorder. The Board concluded that in view of the nature and severity of your offenses, your service was properly characterized as under other than honorable conditions.

Accordingly, and as you have not demonstrated that it would be in the interest of justice to upgrade your discharge, 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