



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

CRS  
Docket No: 5678-10  
29 March 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 16 February 2011. 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.

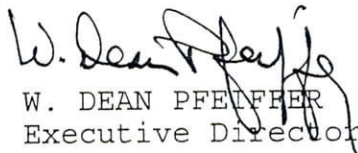
The Board found that you reenlisted in the Navy on 15 February 1992. On 3 December 2008 a general court-martial convened and found you guilty of larceny, endeavoring to impede an investigation, and receiving property of another on two occasions. The court sentenced you to confinement for seven months, reduction in rank, and a bad conduct discharge. You received the bad conduct discharge on 4 January 2010.

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 since certain evidence was not submitted on your behalf. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given the seriousness of the charges of which you were convicted. In addition, the Board has no authority to disturb the findings or sentence of a court-martial based on claims of legal error. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Concerning your request to correct errors in the transcript of your general court-martial and as this is an administrative matter, you should contact the Judge Advocate General of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374.

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