



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

BJG
Docket No: 8096-10
14 April 2011

[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 12 April 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.

You entered active duty in the Marine Corps on 13 December 1985. You received nonjudicial punishment on three occasions and were convicted by a summary court-martial. Your offenses included failure to obey a lawful order, disrespect, assault with a deadly weapon, and absence from your appointed place of duty (two specifications). On 14 November 1989, you were convicted at a special court-martial of disobeying a lawful order (three specifications), disrespect, carrying a concealed weapon, and violation of a lawful general order. Your sentence

included a bad conduct discharge (BCD). On 10 October 1991, after appellate review, you received the BCD.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and overall record of service. However, the Board concluded that your BCD should not be changed due to your serious acts of misconduct. You are advised that no discharge is upgraded due solely to the passage of time or post service good conduct. In view of the above, 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