



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

TAL
Docket No: 8253-10
14 April 2011

[REDACTED]
[REDACTED]
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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 13 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps on 12 February 1975 after more than five years of prior honorable service. On 1 February 1980, you were convicted by special court-martial (SPCM) of dereliction in the performance of duty by willfully failing to perform a complete inspection on a helicopter and making a false official statement. The sentence imposed was reduction in paygrade from E-6 to E-5. On 11 February 1980, you were honorably discharged from active duty at the expiration of your enlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of more than ten years of honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant reinstatement to the prior paygrade of E-6. The Board concluded that your sentence was not overly harsh considering the seriousness of your misconduct. 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