



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

REC
Docket No: 09060-10
5 May 2011



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 4 May 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 enlisted in the Marine Corps on 11 December 1989, at the age of 20. On 1 November 1990, you were convicted by a summary court-martial (SCM) of being in an unauthorized absence (UA) status for 44 days, and wrongful use of a government telephone. You were sentenced to a reduction in pay grade, and confinement at hard labor for 30 days. On 26 June 1991, you received nonjudicial punishment (NJP) for wrongfully disobeying a lawful general order by being in the female barracks. On 19 July 1991, you received NJP for assaulting a female Marine. On 15 October 1991, you were convicted by a special court-martial (SPCM) of larceny, and assaulting a fellow Marine. You were sentenced to forfeitures of \$1,000, confinement at hard labor for 75 days, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 17 March 1995, after appellate review, you were so discharged.

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 your record of two NJP's and conviction by a SCM, and a SPCM. 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