



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

CRS
Docket No: 9159-10
7 April 2011

[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 30 March 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 enlisted in the Marine Corps on 11 February 2002. You received nonjudicial punishment and were convicted by two summary courts-martial during your enlistment that included unauthorized absence, wrongful possession and use of marijuana, and failure to obey a lawful order.

A special court-martial convened on 9 December 2003 and found you guilty of wrongful use of drugs and sentenced you to forfeiture of pay, confinement for 60 days, and a bad conduct discharge. The bad conduct discharge was executed on 28 June 2005.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall service and the contention that posttraumatic stress disorder (PTSD) caused your misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given your extensive disciplinary record, and the absence of credible evidence that you suffered from PTSD while in the Marine Corps. 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