



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 04590-11
21 February 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 February 2012. 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.

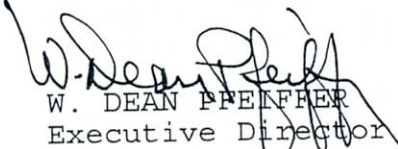
You entered active duty service in the Marine Corps on 7 June 1979, and served without disciplinary incident until 19 March 1980, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. Shortly thereafter, you received the following disciplinary actions: on 15 August 1980, you received NJP for failure to go to your appointed place of duty; on 15 September 1980, you received NJP for failure to go to your appointed place of duty; on 4 October 1980, you were convicted at a summary court-martial (SCM) of larceny and breaking restriction; on 9 February 1981, you were convicted at a SCM of an unauthorized absence (UA); and on 28 July 1981, you were convicted at a special court-martial (SPCM) of larceny, destroying government property, UA and illegal use of a controlled substance. You were sentenced to receive a bad conduct discharge (BCD). Therefore, you were separated with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM. You received the BCD after appellate review on 15 December

1982.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and claim that your Navy recruiter knew you had been in trouble with the law prior to your entry into service. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Regarding your claim, you have provided no evidence to support it, and there is no such evidence in your record. 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