



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

TJR
Docket No: 3725-12
21 February 2013

[REDACTED]

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 20 February 2013. The names and votes of the members of the panel will be furnished upon request. 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 3 December 1985 and immediately began a period of active duty. You served without disciplinary incident until 6 May 1986, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and failure to obey a lawful order. Shortly thereafter, on 22 August 1986, you received NJP for failure to obey a lawful order, absence from your appointed place of duty, and drunk and disorderly conduct.

On 28 January 1987 you were convicted by summary court-martial (SCM) of two specifications assault, three specifications of drunk and disorderly conduct, communicating a threat, and reckless driving. On 9 July 1987 you were convicted by special court-martial (SPCM) of disobedience, assault, and drunk and disorderly conduct. You were sentenced to confinement for four months, a \$1,752 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 6 August 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct, which resulted in two NJPs and two convictions by court-martial. Accordingly, your application has been denied.

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