



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

REC
Docket No: 06939-12
15 October 2012

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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 3 October 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 in the Marine Corps on 21 June 2004, at age 19. On 20 August 2010, you received nonjudicial punishment (NJP) for failure to obey an order issued from your commanding officer by drinking alcoholic beverages, and operating a motor vehicle while under the influence of alcohol with a blood alcohol content of .087. You informed your chain of command that you had no intention of appealing the NJP. On 7 October 2010, the State of Washington dismissed your civil charge. On 21 June 2012, you were honorably discharged by reason of non-retention on active duty.

In its review of your application, the Board considered all mitigating factors, such as your overall record of service. However, the Board found these factors were insufficient to

warrant removing your NJP. The Board concluded that your commanding officer's decision to impose this NJP was appropriate and that it was administratively and procedurally correct as written and filed. The Board further concluded that removal of the NJP or modification of the charge was not warranted. The Board thus concluded that there was no error or injustice in your NJP. 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