



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

CRS
Docket No: 4850-98
12 August 1999



Dear [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 11 August 1999. 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 3 August 1978 at age 18. Your record reflects that you received five nonjudicial punishments. The offenses included unauthorized absences totalling at least 37 days, absence from your appointed place of duty, breaking restriction on two occasions, and having an unclean rifle.

A special court-martial convened on 12 November 1981 and found you guilty of an unauthorized absence of 41 days and stealing a cassette recorder. The court sentenced you to confinement at hard labor for three months, forfeitures of \$367 per month for three months, and a bad conduct discharge. You received the bad conduct discharge on 15 July 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your personal problems and contention that the offenses were minor and the discharge was too harsh. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge

due to your six disciplinary actions, one of which was sufficiently serious to warrant a special court-martial. Based on the foregoing, the Board concluded that no change to the discharge is warranted. 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