



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

TJR
Docket No: 931-02
18 July 2002



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 16 July 2002. 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 16 June 1978 at the age of 19. On 7 November 1978 you received nonjudicial punishment (NJP) for cheating on an examination and were awarded a \$100 forfeiture of pay.

On 12 August 1980 you were convicted by special court-martial (SPCM) of two incidents of larceny in the amount of \$55. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, and a \$1,200 forfeiture of pay, half of which was suspended for six months. Approximately four months later, on 22 January 1981, you received NJP for an 11 day period of unauthorized absence (UA) and were awarded a \$50 detention of pay.

On 26 March 1981 you were convicted by SPCM of two incidents of larceny in the amount of \$310, wrongful appropriation of a government vehicle, and communicating a threat. You were sentenced to confinement at hard labor for two months, a \$668 forfeiture of pay, and a bad conduct discharge (BCD). While in confinement you submitted a written request for a general

discharge. However, this request was denied and the BCD was approved at all levels of review. On 30 May 1985 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 immaturity and character reference letters. It also noted a report from the Federal Bureau of Investigation (FBI) which states that on 14 March 1997 you were convicted by civil authorities of theft. The Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your misconduct, which resulted in two NJPs and two court-martial convictions. 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