



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

CRS
Docket No: 1255-02
30 January 2003

[REDACTED]

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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 29 January 2003. 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 15 July 1993. The record reflects that on 3 March 1995 you received nonjudicial punishment for absence from your appointed place of duty.

A summary court-martial convened on 21 March 1996 and found you guilty of use of marijuana. The court sentenced you to confinement for 30 days and reduction in pay grade. On 14 July 1997 you were honorably separated and transferred to the Marine Corps Reserve.

The Board noted your request to remove the summary court-martial from your record. However, the Board is prohibited by law from reviewing the findings of a court-martial and must restrict its review to determine if the sentence of the court-martial should be reduced as a matter of clemency. However, the Board determined that clemency was not warranted given the serious nature of any drug offense. 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