



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

FC

Docket No: 06030-02

10 January 2003

[REDACTED]

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 8 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 9 February 1983 at age 20. During the period of 11 October 1984 through 8 May 1986, you were convicted by two summary courts-martial and received two non-judicial punishments. The offenses were a period of unauthorized absence of three days, failure to go to your appointed place of duty and two specifications of writing bad checks totaling \$1405.00.

Subsequently, administrative separation was initiated by reason of misconduct due a pattern of misconduct. After you waived your procedural rights, including the right to present your case to an administrative discharge board, the Commanding Officer recommended discharge under other than honorable conditions. After approval by the discharge authority, on 7 August 1986 you were separated with an other than honorable discharge because of misconduct.

In its review of your case, The Board carefully weighted all potentially mitigating factors, such as your youth and immaturity and the length of time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your conviction by two summary courts-martial and the two nonjudicial punishments and the seriousness of the bad check offenses. 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