



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

CRS  
Docket No: 4905-05  
22 November 2006

[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 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 21 November 2006. 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 reenlisted in the Marine Corps on 26 February 1979 in the rank of lance corporal after more than three years of prior active service. Your record reflects that you had lost time from 19 August 1980 to 15 November 1983. Additionally, you were reduced in rank to private.

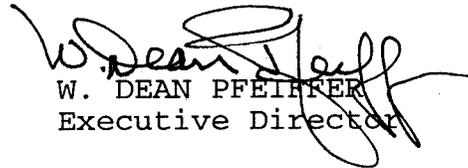
Although the service record does not reflect the offenses of which you were convicted, it is clear that you were found guilty by a general court-martial and sentenced to a bad conduct discharge (BCD). The record clearly shows that on 15 November 1983 you received a bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that your BCD was upgraded to a general discharge and your rank was restored. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your conviction by general court-martial and lost time of more than three years. In this regard, the Board found no evidence that your BCD has been upgraded or that your

rank has been restored, and you have provided no such evidence. 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