



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

CRS
Docket No: 5490-06
3 October 2006



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 7 September 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 15 August 1996 after more than 11 years of prior active service. A special court-martial convened on 13 March 1997 and found you guilty of uttering nine worthless checks totaling over \$1300, between October and November 1996. The court sentenced you to a forfeiture of \$1300 and reduction in rank from staff sergeant (SSGT; E-6) to sergeant (SGT; E-5). Subsequently, on 19 August 1997 you were honorably discharged by reason of expiration of term of service.

The Board considered your contention that a special court-martial could not reduce you from SSGT to SGT. This is incorrect since the Uniform Code of Military Justice and the Rules for Courts-Martial state that a special court-martial has the authority to take such action. Had nonjudicial punishment been imposed for your offenses, a reduction in rank could not have been part of that punishment. The Board therefore concluded that no corrective action 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