



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

TRG
Docket No: 8102-06
23 January 2008

[REDACTED]

[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 15 January 2008. 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.

You enlisted in the Marine Corps on 4 February 1985 at age 21 with prior service in the Army Reserve. On 17 May 1986 you received nonjudicial punishment for an absence from your appointed place of duty. On 19 December 1986 you were convicted by a special court-martial of use of marijuana and larceny of personal property valued in excess of \$100. The court sentenced you to forfeiture of \$200 pay per month for five months, confinement at hard labor for 60 days, reduction to pay grade E-1 and a bad conduct discharge. The discharge was suspended for a probationary period of 12 months.

Subsequently, you were an unauthorized absentee for about 20 days and the suspension was vacated. Apparently about this time, you were placed on appellate leave. The bad conduct discharge was issued on 1 March 1988.

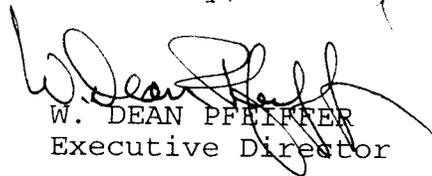
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service in the Army Reserve and the documentation you submitted showing that you have been a good citizen for some time. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your special court-martial conviction of serious offenses and especially your

violation of probation. The Board concluded that the discharge was proper as issued and no change 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