



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

SMW

Docket No: 476-07
24 July 2007

[REDACTED]

Dear [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 24 July 2007. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 25 October 1982 you enlisted in the Marine Corps at age 17 with parental consent and served without incident for about three years. However, on 25 November 1985 you were convicted by a general court-martial (GCM) of writing worthless checks totaling \$4,565. The court sentenced you to reduction in rank, confinement at hard labor (CHL), forfeitures of pay, and a bad conduct discharge (BCD). On 7 April 1986 you requested restoration to duty, and on 6 August 1986 you were offered restoration to duty and a suspension of the BCD if you agreed to extend your enlistment for a sufficient period to allow 12 months of service after restoration. However, on 26 August 1986 you declined the offer. After the BCD was approved at all levels of review, on 27 July 1988 you were so discharged.

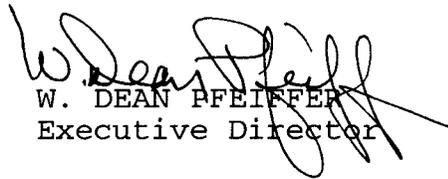
The Board, in its review of your entire record, carefully considered all mitigating factors, such as your youth and period of good service. The Board also considered your contention of declining the offer of restoration to duty because of personal problems. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Regarding your

contention, personal problems do not excuse misconduct. 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