



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

SMW
Docket No: 6071-07
25 February 2008

[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 21 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

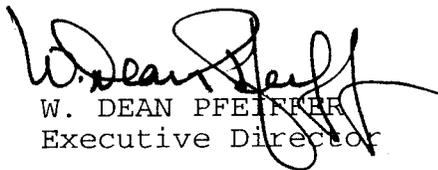
On 21 May 1982, you reenlisted in the Marine Corps at age 25 after three prior periods of honorable service. On 7 March 1985, you were convicted by a special court-martial of a 36 day period of unauthorized absence and 29 instances of wrongfully making a draft with intent to deceive that totaled \$2182.54. The court sentenced you to confinement, reduction in rank, forfeitures of pay, and a bad conduct discharge (BCD). The confinement was subsequently removed. After the BCD was approved at all levels of review, on 4 January 1986, you were so discharged

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your prior periods of honorable service and desire for a better discharge. The Board also considered your contention that you had 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.

The Board noted that as a result of your prior periods of honorable service, you may be eligible for veteran's benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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