



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

TRG
Docket No: 6859-07
28 August 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 26 August 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 8 June 1984 at age 17. During the period from 25 October 1984 to 12 September 1985 you received nonjudicial punishment on five occasions. Your offenses were use of marijuana, absence from your appointed place of duty, missing musters, disobedience and an unauthorized absence of one day. Subsequently, you were counseled and warned that further misconduct could lead to adverse consequences.

A special court-martial convened on 11 March 1986 and convicted you of two periods of unauthorized absence totaling about 28 days, several instances of failure to go to your appointed place of duty and disobedience. The court sentenced you to forfeitures of pay, confinement at hard labor for 60 days and a bad conduct discharge. The bad conduct discharge was issued on 13 June 1986.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that your difficulties in the Marine Corps were caused by your drug addiction. You contend that you have completed a drug rehabilitation program and are now able to take responsibility for your past actions and be a good citizen in the future.

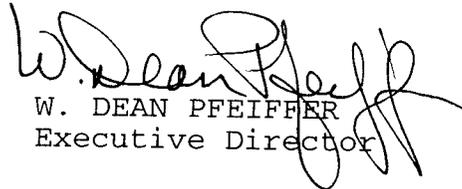
The Board found that these factors and contentions were not

sufficient to warrant recharacterization of your discharge given your multiple instances of misconduct and especially the offenses which led to your conviction by court-martial and a sentence which included a bad conduct discharge. 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