



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

CRS  
Docket No: 8238-07  
28 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 9 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.

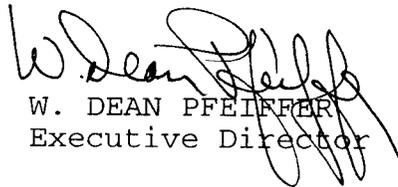
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 24 March 1993. A general court-martial convened on 17 March 1995 and found you guilty of use of amphetamine/methamphetamine on numerous occasions between 1 January to 5 August 1994 and distribution of methamphetamine. The court sentenced you to confinement for ten years, forfeiture of all pay and allowances, reduction in rank, and a dishonorable discharge. On 18 September 1995 the convening authority approved the sentence, suspended all confinement in excess of four years, and suspended the execution of the dishonorable discharge pending completion of the appellate review of your conviction and sentence. Due to administrative error, the unofficial record of your conviction which is filed in your field record indicates that the dishonorable discharge was not approved by the convening authority. On 9 July 1998, the Court of Appeals for the Armed Forces affirmed the decision of the Navy and Marine Corps Court of Criminal Appeals, which denied the appeal of your conviction and sentence. On 13 October 1988, the convening authority directed the execution of the dishonorable discharge, and you were so discharged on that date.

The Board did not accept your contention to the effect that the convening authority did not approve the dishonorable discharge that was adjudged in your case, as it is clear in the official record that the discharge was properly approved by the convening authority and ordered executed. The Board was not persuaded that it would be in the interest of justice to upgrade your discharge, given the serious nature of your offenses. 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