



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

TJR
Docket No: 8684-07
27 October 2008

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 October 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.

You enlisted in the Marine Corps on 6 March 1988 at age 21. On 1 December 1989 you received nonjudicial punishment (NJP) for wrongful appropriation of flags and housebreaking to commit larceny. The punishment imposed was reduction to paygrade E-2 and a \$200 forfeiture of pay.

During the period from 6 November 1990 to 19 November 1991 you received counselling for deficiencies in your performance and conduct, specifically, lack of maturity, professionalism, and poor conduct displayed by possessing alcoholic beverages, writing dishonored checks, and driving while intoxicated. On 20 November 1991 you received NJP for two specifications of failure to obey a lawful order and drunk or reckless driving and were awarded a reduction to paygrade E-1. About a month later, on 18 December 1991, you were convicted by summary court-martial (SCM) of conspiracy, damage to government property valued at \$5,814.13, drunk or reckless driving, and wrongful appropriation of a government vehicle valued at \$28,861. You were sentenced to an unspecified forfeiture of pay, restriction for 60 days, and a reduction to paygrade E-1.

On 7 March 1992 you were released from active duty under honorable conditions. On 7 March 1996, upon completion of your obligated service, you were issued an honorable discharge certificate.

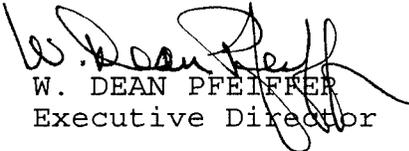
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. An average of 4.0 in conduct was required at the time of your release from active duty for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to change the characterization of your service so that you may obtain more desirable employment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your release from active or discharge characterization because presumably your marks were insufficiently high to warrant a fully honorable characterization of service due to your misconduct, which included two NJPs, repeated counselling, and a court-martial conviction. 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