



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 00215-08  
2 April 2009

[REDACTED]

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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 March 2009. 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.

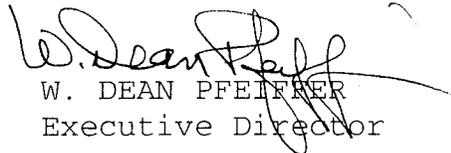
The Board found that on 9 August 2000, you were convicted by court-martial of carnal knowledge on divers occasions upon your daughter, a child under the age of 16; committing sodomy with your daughter on divers occasions; committing an indecent act upon your daughter by having sexual intercourse with her; committing indecent acts on the body of your daughter on an indeterminate number of occasions while she was under 16 years of age; and wrongfully using methamphetamines. You were sentenced to be dismissed from the Navy, confinement at hard labor for nine years, and forfeiture of \$2000.00 pay per month for nine years. Pursuant to the terms of a pre-trial agreement, all confinement in excess of two years was suspended for a

period of two years. The findings and sentence were affirmed by the Navy-Marine Corps Court of Criminal Appeals, and on 10 August 2004, the Secretary of the Navy approved the sentence to dismissal and ordered its execution. You were dismissed on 17 November 2004.

The Board determined that the positive aspects of your naval service and completion of a sex offender treatment program are greatly outweighed by the serious nature of your offenses. It concluded that it would not be in the interest of justice to correct your record to show that you were retired from the Navy rather than dismissed from the naval service. 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