



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

SMS  
Docket No: 2640-08  
20 November 2008



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 19 November 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.

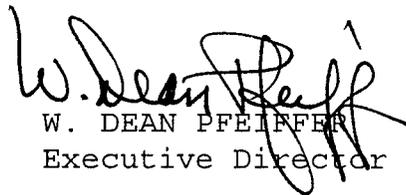
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 27 January 1982, you enlisted in the Marine Corps at age 20. On 2 March 1982, you had nonjudicial punishment (NJP) for violation of a lawful general order. On 16 October 1983, you were convicted by a special court-martial of failure to go to your appointed place of duty, willful destruction of property, breaking restriction, and urinating on another Marine's uniform. Your sentence included confinement at hard labor, forfeitures of pay, reduction in rank, and a bad conduct discharge (BCD). On 18 October 1983 and 28 February 1984, you had NJP for absence from your appointed place of duty, drunk and disorderly conduct, destruction of a palmetto tree, operating a motor vehicle while intoxicated, use of marijuana, and two instances of possession of marijuana. On 15 October 1984, you were denied clemency and restoration to duty. After the BCD was approved at all levels of review, on 6 November 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, regret for your misconduct, and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Therefore, 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