



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

SMS  
Docket No: 6077-08  
5 March 2009



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 4 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.

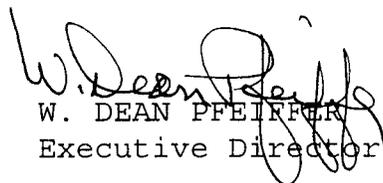
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 23 January 1990, you enlisted in the Marine Corps at age 24. You subsequently participated in Operations Desert Shield and Storm. On 6 February 1992, you were convicted by a general court-martial (GCM) of conspiring to commit larceny of government property valued at \$83,626.20, authorizing disposal of government property worth \$31,962.50, authorizing disposal of government property worth \$51,663.70, stealing government property worth \$31,962.50, and stealing government property worth \$51,663.70. Your sentence included forfeitures of pay and allowances, reduction in rank, confinement, and a dishonorable discharge (DD). A portion of your sentence was subsequently reduced and suspended. On 9 November 1992, your requests for clemency and restoration to duty were denied. After the DD was approved at all levels of review, on 10 March 1995, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and participation in Operations Desert Shield and Storm. The Board also considered your belief that your DD is too harsh and contention that you did not receive proper representation by your military counsel. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing the reason for separation or recharacterization of your discharge due to the seriousness of your misconduct. Furthermore, the Board found that your misconduct did warrant a DD. Regarding your contention, there is no evidence in the record to support it. 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