



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

TJR
Docket No: 6507-08
28 May 2009

[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 27 May 2009. The names and votes of the members of the panel will be furnished upon request. 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 26 April 1988 at age 19 and began a period of active duty on 14 September 1989. You served for nearly a month without disciplinary incident, but on 7 November 1989, you received nonjudicial punishment (NJP) for having an unauthorized female visitor in the barracks. On 31 March and again on 25 July 1990, you received NJP for a one day period of unauthorized absence (UA) and failure to obey a lawful order by wearing an earring.

On 28 March 1991 you received your fourth NJP for three periods of failure to go to your appointed place of duty and were awarded a \$800 forfeiture of pay, restriction for 30 days, and reduction to paygrade E-2. On 7 November 1991 you were convicted by special court-martial (SPCM) of five periods of failure to go to your appointed place of duty, four specifications of insubordination, dereliction of duty, and two specifications of

having unauthorized female visitors in the barracks. You were sentenced to confinement for two months, a \$800 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 8 May 1993 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive misconduct which resulted in four NJPs and a court-martial conviction. Accordingly, your application has been denied.

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 PFEIFER
Executive Director