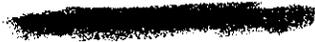




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 10085-08  
30 July 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 29 July 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 and medical records, 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 you entered active duty in the Marine Corps on 22 May 1980. You received nonjudicial punishment for absence from your appointed place of duty. You were counseled on six occasions for substandard duty performance, assignment to the weight control program, and writing insufficient fund checks. On 6 June 1983, you were convicted at a special court-martial for six specifications of unauthorized absence (UA) totaling about 91 days, possession and distribution of marijuana, and wrongful use of cocaine. Your sentence included a bad conduct discharge (BCD). On 7 May 1984, after appellate review, you received the BCD.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and personal problems. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your BCD because of your serious misconduct and lengthy periods of UA. In view of the above, 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