



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

REC  
Docket No: 00431-09  
9 November 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 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 6 November 2002, at the age of 17. On 4 February 2004, you were charged with wrongfully consuming alcohol while under age and willful dereliction of your duties. You were counseled and warned that further misconduct could result in an administrative discharge under other than honorable conditions. On 12 February 2004, you were convicted at a general court-martial (GCM) for wrongful use and possession of marijuana with the intent to distribute. You were sentenced to a forfeiture of all pay and allowances, confinement for two years, reduction in pay grade to E-1 and a bad conduct discharge (BCD). On 16 January 2006, you commenced appellate leave. After appellate review, on 6 December 2006, the discharge authority directed the execution of your BCD. On 3 January 2007, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of conviction of very serious

offenses by GCM. 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