



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

CRS
Docket No: 1146-09
26 March 2010

[REDACTED]

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 3 February 2010. 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.

The Board found that you enlisted in the Marine Corps on 5 November 1997. You received nonjudicial punishment on two occasions for offenses that included drunk and disorderly conduct, absence from appointed place of duty, disrespect, failure to obey a lawful order, wrongfully and willfully damaging government property, drunk driving, incapacitation for duty, and possession of liquor in the barracks.

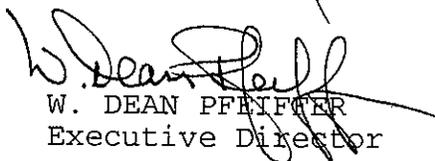
On 30 October 2001 a special court-martial convened and found you guilty of breach of restraint and fleeing apprehension, and sentenced you to confinement for 45 days, forfeiture of \$650.00 per month for one month, reduction in rank, and a bad conduct discharge. You were so discharged on 17 June 2004.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that your alcohol abuse contributed to your misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given

the serious nature of the misconduct which resulted in your discharge. 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