



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

TJR
Docket No: 2510-09
24 June 2009

[REDACTED]

Dear [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 17 June 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 23 December 1986 at age 17 and began a period of active duty on 9 March 1987. You served without disciplinary incident until 9 September 1988, when you received nonjudicial punishment (NJP) for disrespect.

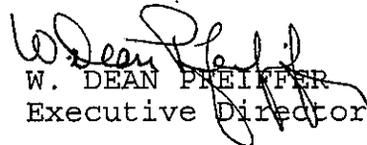
On 10 March 1989 you were convicted by special court-martial (SPCM) of wrongfully making and delivering two checks valued at \$1,300 without sufficient funds and altering an identification card. You were sentenced to reduction to paygrade E-1, confinement for 75 days, a \$900 forfeiture of pay, and a bad conduct discharge (BCD).

On 12 December 1989, while on appellate leave, you were arrested by civil authorities of assault with a deadly weapon or instrument, and scheduled to appear in court on 2 March 1990. Nonetheless, the BCD was approved at all levels of review and on 11 May 1990 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, post service conduct, and desire to upgrade your discharge. It also considered your character reference letters provided in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive misconduct. 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 PREIFFER
Executive Director