



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

TAL
Docket No: 10152-09
6 July 2010

[REDACTED]
[REDACTED]
[REDACTED]
Dear [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 30 June 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.

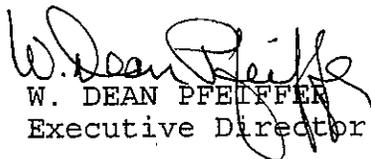
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 6 October 1981 at age 17. You received nonjudicial punishment (NJP) on three occasions for failure to obey a general order and two instances of unauthorized absence (UA) from your unit that totaled a period of 29 days. On 4 November 1985, you were convicted by special court-martial (SPCM) of wrongful use of marijuana. The sentence imposed was 120 days confinement, forfeiture of pay and a bad conduct discharge (BCD). The BCD and 30 days confinement were suspended for 12 months. On 28 February 1986, you received a general discharge.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. The Board noted that you were fortunate to receive a general discharge after being awarded a BCD at a SPCM. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs and one SPCM. 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