



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

TAL
Docket No: 1408-10
17 November 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 10 November 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.

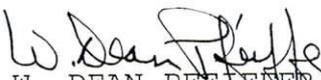
You enlisted in the Marine Corps and began a period of active duty on 29 June 1999 at age 19. On 22 February 2008, you received nonjudicial punishment (NJP) for adultery and making a false official statement. The punishment awarded was forfeiture of pay and restriction for 45 days, which was suspended for six months. You were also reduced in rank to corporal. On 13 March 2008, your appeal of the foregoing NJP was reviewed. It was determined that the punishment awarded was neither unjust nor disproportionate to the offenses you committed and your appeal was denied.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of more than nine years of honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the NJP. The Board concluded that sufficient evidence existed to support the commanding officer's decision to impose NJP. The Board substantially concurred with the comments contained in the Commanding Officer's endorsement to your appeal

of the NJP. 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