



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

TJR
Docket No: 1449-10
4 November 2010

[REDACTED]

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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 2 November 2010. 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 14 October 1981 at age 17 and began a period of active duty on 27 July 1982. You served without disciplinary incident until 17 January 1984, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA).

On 23 January 1986 you received NJP for a four day period of UA and missing the movement of your ship. About six months later, on 25 June 1986, you were convicted by special court-martial (SPCM) of failure to go to your appointed place of duty, disobedience, failure to obey a lawful order as evidenced by drinking alcoholic beverages in the barracks, and 14 specifications of uttering checks with insufficient funds. You were sentenced to confinement for 90 days, reduction to paygrade E-1, a \$500 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 22 May 1987 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 and desire to upgrade your discharge. It also considered your assertion that your period of service is reflected as dishonorable in a "national data base." Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and a SPCM. Further, there is no evidence in your official military personnel record that reflects your period of service as "dishonorable." Finally, the Board has no authority to recommend changes to a "national data base" that may have erroneously characterized your period of military service. 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 PFEIFFER
Executive Director