



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

REC  
Docket No: 05295-10  
22 September 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 22 September 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 26 March 1977, at age 19. You served honorably until 16 April 1999, when you received nonjudicial punishment (NJP) for committing indecent acts or liberties with a minor. You were awarded forfeitures of \$275.00 and 14 days restriction. You waived your rights to have your case tried by a court-martial, consult counsel, or submit a statement.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service, and allegation that your case was treated differently because you were uncertain if you were going to pursue a career in the Marine Corps. Nevertheless, the Board found that these factors were not sufficient to warrant removal of the NJP from your official record. Regarding your contention of not knowing if you were going to pursue a career in the Marine Corps or not, your case was treated no differently. You are advised that the commanding officer's decision to impose NJP and the punishment imposed rested solely within his discretion. The Board noted that you provided no evidence to support your

allegation. 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