



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

Docket No: 5409-10
27 July 2010

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: STAFF SERGEANT [REDACTED], USMC, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting, in effect, that his naval record be corrected by removing therefrom all references to his civil conviction of "CSC 3RD DEGREE(PW)".

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 June 2010 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 27 September 1994, prior to his enlistment in the Marine Corps, Petitioner was convicted of "CSC 3RD DEGREE(PW)" and sentenced to ten days in jail, 12 months probation, \$740 "F/C", and community service. The conviction and sentence are listed in a document entitled "Request for waiver of entlistment" that is filed in his Official Military Personnel Record.

c. On 8 April 2010, the charge of "CSC 3rd DEGREE(PW)" was dismissed by a civilian judge in the interest of justice.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's record does not contain any

disciplinary action during his period of service. The Board concludes that it would be in the interest of justice to grant Petitioner's request.

RECOMMENDATION:

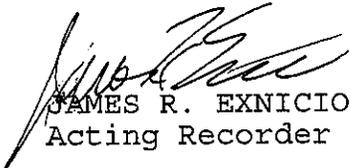
a. That Petitioner's naval record be corrected by removing therefrom all references to the charge and civil conviction of 27 September 1994 described as "CSC 3rd DEGREE (PW)".

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6c it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director