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

SJN
Docket No: 05776-10
28 February 2011

[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 23 February 2011. 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.

On 22 May 1984, you reenlisted in the Marine Corps after serving over two years of honorable service. The Board found that you received nonjudicial punishment (NJP) for wrongful use of cocaine. You received a reduction in paygrade, a forfeiture of pay, restriction, and extra duty. On 2 June 1986, you were convicted at a special court-martial (SPCM) of 43 days of unauthorized absence (UA) and missing movement through design. You were sentenced to confinement, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 22 April 1987 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your first period of honorable service and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were

not sufficient to warrant recharacterization of your discharge given your NJP for drug use and SPCM conviction for very serious offenses of missing movement and a lengthy period of UA. 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