



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

TAL
Docket No: 8366-10
10 June 2011

[REDACTED]

[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 8 June 2011. 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 May 1991 at age 18. On 30 June 1992, you were counseled regarding your financial irresponsibility by writing insufficient fund checks, failure to pay a bill in a timely manner, and unauthorized absence (UA). On 7 December 1992, you were counseled regarding UA from your appointed place of duty. On 3 December 1993, you received nonjudicial punishment (NJP) for attempting to purchase a controlled substance (Depo-Testosterone), conspiracy with other Marines to buy steroids and possession of drug paraphernalia (syringes). You did not appeal the NJP. On 12 August 1994, you were again counseled as a result of your release from a military protective order, issued for alleged spousal abuse. You were the subject of a medical board that diagnosed you with a posterior cruciate ligament deficient right knee. You were found to be unfit to perform the duties of your grade, rank or rating due a physical disability. On 1 March 1995, you were discharged with an honorable characterization of service due to physical disability.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the NJP. Additionally, the Board noted that you did not appeal the NJP and concluded that its removal from your record was unwarranted. Finally, no NJP is removed from a record merely because of the passage of time. 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