



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

SJN  
Docket No: 11330-10  
21 July 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 19 July 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.

You enlisted in the Marine Corps and began a period of active duty on 29 January 1985. The Board found that on 8 August 1988, you were convicted by civil authorities of breaking and entering, simple assault, and a secret peeping offense. You were sentenced to two years in jail. On 5 November 1988, you were released from jail and subsequently, administrative discharge action was initiated by reason of misconduct due to the civilian conviction.

You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 28 March 1989, the ADB recommended you receive a general discharge due to misconduct. However, you were placed on legal hold on 1 November 1989, pending a Naval Investigative Service (NIS) investigation.

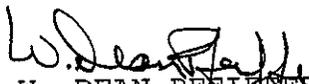
As a result of the NIS investigation, you were convicted by general court-martial (GCM) of five specifications of indecent assault against female Marines, peeping through a window of a female Marine, looking into the bathroom of a female Marine, and unlocking a bathroom door and peeping into the shower of a third

female Marine. You were sentenced to confinement, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 26 February 1992 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, record of 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 civil and GCM convictions of serious and lewd offenses. 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