



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 02271-11
17 January 2012



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 13 January 2012. 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.

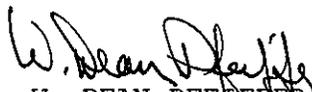
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 12 May 1998, at the age of 18. On 26 April 2000, you were convicted by a summary court-martial (SCM) of being disrespectful toward two fellow Marines, and treating with contempt a senior noncommissioned officer. You were sentenced to a forfeiture of \$781, and 60 days restriction. On 18 August 2000, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, disobeying a lawful order, and wrongful use of marijuana. On 2 November 2000, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence (UA) status for 27 days, two incidents of failure to obey a lawful order, and two incidents of breaking restriction. You were sentenced to a forfeiture of \$2,010, confinement for 49 days, and a bad conduct discharge (BCD). On 13 February 2004, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the frequency and seriousness of your misconduct. 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