



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

TAL
Docket No: 3474-11
18 January 2012

[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 12 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 and began a period of active duty on 8 November 1988 at age 17. On 24 January 1992, you were convicted by special court-martial (SPCM) of assault, disorderly conduct and drunk and disorderly conduct. The sentence imposed was 60 days confinement and reduction in paygrade. On 19 May 1992, you were again convicted by SPCM of two instances of disrespect toward a superior officer, striking a superior officer in the face with your closed fist, drunk and disorderly conduct and willfully disobeying a superior officer. The sentence imposed was 90 days confinement, a forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). On 29 January 1994, after appellate review, you received the BCD.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two SPCM convictions. Finally, concerning your alleged mental problems, there is no indication in the record that such problems, if they existed at the time of your service, were so serious as to excuse you of responsibility for your

actions or were sufficiently mitigating to warrant recharacterization. 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