



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

TJR
Docket No: 14-12
19 January 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 January 2012. 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.

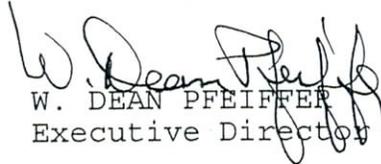
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 29 April 2011 you were convicted by special court-martial (SPCM) of failure to obey a lawful order/regulation and assault on recruits. In this regard, the offenses consisted, in part, of pushing, poking, grabbing, body checking, dragging, shoving, placing your hands around a Marine's throat, and placing books on the heads of Marines. It appears that you were also derelict in the performance of your duties. Nonetheless, you were sentenced to a reduction in paygrade and a Letter of Reprimand. As a result of the SPCM, you were also counselled (issued a page 11 warning) and received an adverse fitness report.

The Board has no authority to consider contentions pertaining to improprieties in courts-martial and must limit its review to determining whether the sentence should be modified as a matter of clemency. With that being said, the Board concluded that your commanding officer's decision to convene a SPCM and the sentence thereto, was appropriate, and that it was administratively and procedurally correct as written and filed. 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