



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

TJR
Docket No: 998-12
30 January 2012

[REDACTED]

[REDACTED]

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 30 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.

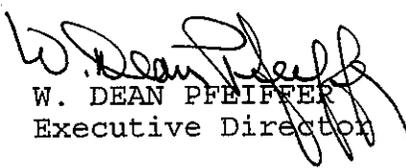
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted you received nonjudicial punishment (NJP) on 9 April 2008 for verbally abusing and threatening another Marine during a telephone conversation and humiliating and berating members of your platoon by creating and displaying a "bitch list." The punishment imposed was reduction to paygrade E-4 and a \$1,948 forfeiture of pay. The Board further noted that you did not submit an appeal to the NJP, and as reflected on your fitness report for the period from 1 April 2008 to 11 April 2008, you acknowledged that your actions were unacceptable and accepted the findings of guilt to the foregoing offenses. In this regard, the Board concluded that your commanding officer's decision to impose this NJP was appropriate and that it was administratively and procedurally correct as written and filed. The Board further concluded that removal of the NJP or modification of the charges therein is not warranted, and that such action would be unfair to your peers, against whom you will compete for promotions and assignments. 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