



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

TJR  
Docket No: 3623-12  
21 February 2013

[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 20 February 2013. 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 reenlisted in the Marine Corps on 9 November 1993 after nearly eight years of prior satisfactory service. Your record reflects that you served without disciplinary infraction until 7 July 1994 at which time you began to abuse an underage child, specifically, your step-daughter.

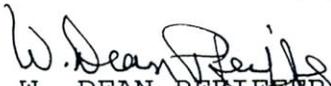
As a result of the foregoing, on 2 June 1996, you were convicted by general court-martial (GCM) of three specifications of rape of an underage child, two specifications of failure to obey a lawful order, four specifications of sodomy on an underage child, two specifications of indecent acts with an underage child, and indecent liberties with an underage child. You were sentenced to confinement for 30 years, reduction to paygrade E-1, forfeiture of all allowances and pay, and a dishonorable discharge (DD). Subsequently, the DD was approved at all levels of review, and on 9 April 1999, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service and desire to upgrade your discharge. It also considered your assertion that your Certificate of Release or Discharge from Active Duty (DD Form 214) is incorrect in that it reflects the wrong discharge date. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct. Accordingly, your application has been denied.

The Board noted that you may wish to contact Headquarters, United States Marine Corps, Deputy Chief of Staff for Manpower and Reserve Affairs (M&RA) Department, Separation Section, 3280 Russell Road, Quantico, VA 22134-5103 to request administrative corrections and the reissuance of your DD Form 214, if warranted.

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