



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

TJR
Docket No: 5203-12
17 July 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 16 July 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.

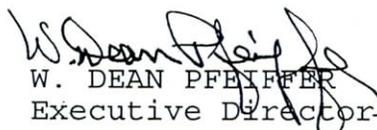
You enlisted in the Marine Corps on 21 April 2002 and immediately began a period of active duty. You served without disciplinary incident until 2 October 2002, when you received nonjudicial punishment (NJP) for impersonating an officer with the intent to defraud to steal a car, and soliciting another to commit an offense with the intent to steal a car. Nearly a year later, on 25 September 2003, you received NJP for assault.

On 2 September 2005 you were convicted by general court-martial (GCM) of 63 specifications of uttering bad checks due to insufficient funds in the amount of \$18,865.78, having sexual intercourse with a woman who was not your wife, making a false official statement, escaping custody, and a five day period of unauthorized absence. You were sentenced to confinement for 42 months, forfeiture of all pay and allowances, and a bad conduct discharge (BCD). A portion of your sentence, specifically, 18 months of confinement and \$2,470.34 of forfeitures were suspended for 12 months. Nonetheless, the BCD was subsequently approved at all levels of review, and on 6 June 2006, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in two NJPs, a GCM, and your discharge. Finally, no discharge is upgraded due solely to an individual's good post service conduct. 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