



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

CRS  
Docket No: 5554-12  
26 June 2013

[REDACTED]

[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 19 June 2013. 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 you enlisted in the Marine Corps on 18 September 1990. On 7 October 1995 you were convicted by civil authorities of a drunk driving felony and collision with injuries. The court sentenced you to confinement for 28 months and fined you \$34,506.00 in restitution to the two victims.

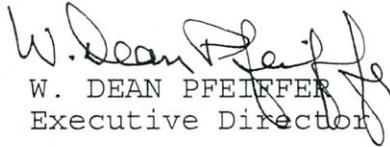
On 4 January 1996 a summary court-martial convened and found you guilty of operating a vehicle while driving privileges were suspended, resisting apprehension, ripping a telephone off the wall, and assault, and sentenced you to confinement for 30 days, forfeiture of \$868.00, and reduction in rank.

On 6 May 1996 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. After review by the discharge authority, the recommendation for separation was approved and on 31 May 1996 you were separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and post service conduct. The Board concluded that these factors were insufficient to warrant upgrade of your discharge, given the seriousness of your offenses. 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