



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

BJG
Docket No: 1056-13
23 October 2013



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 22 October 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.

You entered active duty on 31 May 1989. On 2 April 1999, you were convicted at a general court-martial (GCM), in accordance with your guilty pleas, of conduct unbecoming an officer and gentleman (two specifications of obstruction of justice). You were sentenced to be dismissed from the Marine Corps. On 27 March 2010, after appellate review, you were dismissed.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, years of honorable service, character reference letters, and allegation

that you were suffering from post traumatic stress disorder (PTSD) when you committed the offenses. Since the Board has no authority to remove a court-martial conviction, your sentence was reviewed for clemency only. However, the Board concluded that your dismissal should not be changed due to your GCM conviction of very serious misconduct. Regarding your allegation of suffering from PTSD, there is no evidence in your record to support it, and you provided no such evidence. You are advised that even if there were a current diagnosis of PTSD, it would not excuse misconduct from 14 years ago. Finally, you are advised that no discharge is upgraded due solely to the passage of time or post service good conduct. In view of the above, 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

Copy to:
