



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 7702-01
10 May 2002

[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 7 May 2002. 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.

The Board found you enlisted in the Marine Corps on 3 March 1981 at the age of 17. Your record reflects that on 19 September 1981 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$100 forfeiture of pay.

Your record further reflects that during the period from 9 July 1982 to 8 November 1983 you received NJP on five occasions for sleeping on post, breaking restriction, making a false official statement, drinking on post, and disobedience. On 9 November 1983 you were convicted by special court-martial (SPCM) of damaging military property, causing \$1,750 of damage to a safe, and two specifications of unlawful entry. You were sentenced to reduction to paygrade E-1, confinement at hard labor for three months, a \$900 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 5 July 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that your

discharge should be upgraded since it has been 17 years since the discharge was issued. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in six NJPs and a court-martial conviction. Further, no discharge is upgraded merely due to the passage of time. Given all the circumstances in your case, the Board concluded your discharge was proper as issued and no change is warranted. 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