



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

TRG  
Docket No: 9619-02  
23 July 2003

[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 22 July 2003. 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 record shows that you were convicted by a summary court-martial on 29 January 2002 of failure to obey an order or regulation, assault, and indecent assault. The court sentenced you to reduction in rate from chief petty officer (MSC; E-7) to petty officer first class (MS1; E-6) and a forfeiture of \$1,000.

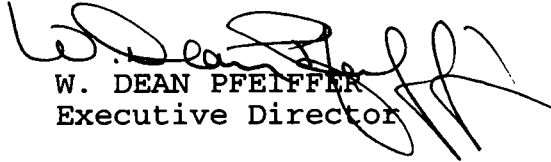
On 25 June 2003, after review in the Office of the Judge Advocate General of the Navy, your appeal of the court-martial conviction was reviewed and denied pursuant to Article 69b, Uniform Code of Military Justice.

The Board is prevented by law from reviewing courts-martial and must limit its review to determining if the sentence should be reduced as a matter of clemency. After weighing the seriousness of the offenses you committed against the punishment you received, the Board concluded that the sentence should not be reduced. 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