



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

REC  
Docket No: 02589-09  
25 March 2010

[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 24 March 2010. 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.

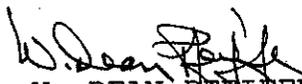
You enlisted in the Marine Corps on 23 February 1988, at the age of 20. On 14 March 1989, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for a seven day period. On 20 April 1989, you received NJP for submitting a false official statement. On 20 June 1989, you received NJP for three occasions of failing to report to your appointed place of duty, being UA for two days and willfully disobeying an order. On 3 October 1991, you were convicted at a special court-martial (SPCM) for an additional 12 days of UA, and four instances of intent to defraud by writing checks with insufficient funds in the amount of over \$1,600. You were sentenced to confinement for five months, reduction to pay grade E-1 and a bad conduct discharge (BCD). On 9 April 1992, you began appellate leave. The discharge authority directed the execution of your BCD. On 8 July 1993, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's and conviction

by SPCM. 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