



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

SJN
Docket No: 12883-09
23 September 2010

[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 21 September 2010. The names and votes of the members of the panel will be furnished upon request. 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 Navy and began a period of active duty on 30 July 1997. The Board found that you served without incident for over three years until 16 April 2001, when you were convicted by special court-martial (SPCM) of disrespect toward a commissioned officer, four specifications of destruction of personal property (scratched four automobiles with a sharp object), and communicating a threat. You were sentenced to a 90 day period of confinement and a bad conduct discharge (BCD). You received the BCD on 26 June 2002 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, character letters, and post service accomplishments. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge given your SPCM conviction for very serious offenses. Accordingly, your application has been denied.

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