



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

TJR  
Docket No: 518-10  
11 March 2010

[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 9 March 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 reenlisted in the Marine Corps on 5 April 1988 after 13 years of prior honorable service. You continued to serve without disciplinary incident until 26 April 1990, when you were convicted by summary court-martial (SCM) of fraud against the government as evidenced by filing a false and fraudulent travel reimbursement claim in the amount of \$833.10. You were sentenced to restriction for 60 days and a reduction to paygrade E-5.

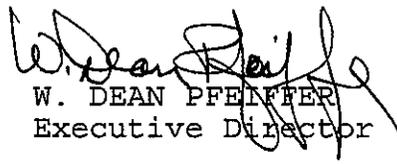
On 6 July 1992, upon completion of your required active service and serving in paygrade E-5, you were honorably discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to remove all references regarding the SCM. It also considered your request for reinstatement in a retirement status and restoration to paygrade

E-6. Nevertheless, the Board concluded these factors were not sufficient to warrant removal references of the SCM conviction from record, reinstatement in the Navy, or restoration to paygrade E-6 because of the serious nature of your misconduct. Further, the Board has no authority to consider assertions pertaining to improprieties in courts-martial and must limit its review to determining whether the sentence should be modified as a matter of clemency. In this regard, the Board concluded the sentence imposed was fair. 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