



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

REC
Docket No: 04443-10
4 February 2011

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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 2 February 2011. 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 1 August 1986, at the age of 19. On 16 October 1986, you received nonjudicial punishment (NJP) for willfully disobeying a lawful order. On 28 June 1987, you received NJP for being disrespectful toward a superior commissioned officer, failure to obey an order by drinking alcohol underage, willfully destroying government property and being drunk and disorderly. On 8 September 1987, you received NJP for being absent from your appointed place of duty, and disobeying a lawful order. On 8 June 1988, you received NJP for violating a base order by having an open can of alcohol in your barracks. On 7 April 1989, you were convicted by a general court-martial (GCM) of being in an unauthorized absence (UA) status for 185 days, and assaulting a fellow Marine, by cutting him on the head, nose, buttocks, and right thumb with a knife. You were sentenced to a forfeiture of all pay and allowances, confinement for two years, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 1 August 1990, 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 five NJP's and conviction by a GCM. 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