



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

CRS
Docket No: 3280-00
28 February 2002

[REDACTED]

Dear [REDACTED]

This is in reference to your application for reconsideration 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 27 February 2002. 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. In addition, the Board considered the two advisory opinions furnished by Headquarters Marine Corps dated 24 August and 8 September 2000, copies of which are attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosures



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO

1070

JAM1

24 AUG 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION
IN THE CASE OF LCPL [REDACTED]
USMC (RET.)

Encl: (1) 19 Jan 94, Memorandum for Executive Director, BCNR
(2) 27 Sep 94, Memorandum for Executive Director, BCNR

1. In enclosures (1) and (2), we previously addressed Petitioner's request for relief based on his assertion that the nonjudicial punishments (NJP's) he received on 27 February 1989 and 21 September 1989 were inappropriate. We rely on our earlier responses regarding the appropriateness of Petitioner's NJP's, placing particular emphasis on the fact the investigation of Petitioner's NJP held on 27 February 1989 resulted in his being granted appropriate relief by his regimental commander. In light of additional evidence submitted by Petitioner and his counsel, we are now asked to provide a third opinion.

2. We recommend Petitioner's request for relief be denied. Our analysis follows.

3. Analysis. The only "new and material" evidence that the Petitioner submits is a letter from Petitioner's regimental sergeant major, Sergeant Major [REDACTED] USMC (Ret.). Contrary to Petitioner's assertion, this evidence does not add "yet another dimension" to the case. While Sergeant Major [REDACTED] relates first hand knowledge of Petitioner's first NJP and the subsequent investigation of that NJP, this information is consistent with information provided previously. Sergeant Major [REDACTED] possesses no first hand knowledge concerning Petitioner's second NJP. He does, however, relay information that he took from records already before BCNR and from conversations with Petitioner's attorney. This second hand information, like the other information he provides, is consistent with evidence reviewed by BCNR and this office in the past. Finally, Sergeant Major [REDACTED] expresses his disagreement with this office's previous opinions; his disagreement, however, does not provide grounds for relief.

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION
IN THE CASE OF LCPL D [REDACTED]
USMC (RET.)

4. Conclusion. This additional information is not "new and material" and does not alter our previous analysis. For the reasons noted, we recommend that the requested relief be denied.

[REDACTED]
Head, Military Law Branch
Judge Advocate Division



IN REPLY REFER TO:

1070

MI

8 SEP 2004

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF LANCE CORPORAL [REDACTED]
[REDACTED]/2531 USMC

1. We reviewed Lance Corporal [REDACTED] application and supporting documents concerning his request for removal of the nonjudicial punishments he received on 890227 and 890921, page 12 entries dated 890227 and 890926.

2. MCO P1070.12J, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book (SRB) entries on page 12 (Offenses and Punishment, NAVMC 18(12)). It is designed for recording offenses and punishments and for establishing command jurisdiction at time of the offense. These entries may be signed by the commander or a designated representative who will sign "by direction".

3. The following comments concerning the page 12 entries are provided:

a. When nonjudicial punishment is imposed as authorized by Article 15 of the Uniformed Code of Military Justice and the Manual for Courts-Martial, entries will be made on the NAVMC 118(12) as authorized by the IRAM.

b. The page 12 entries dated 890227 and 890926 do meet the elements of a proper page 12 entry.

4. In view of the above, it is recommended that the Board disapprove Lance Corporal [REDACTED] request for removal of the Offenses and Punishment page 12 entries dated 890227 and 890926 pertaining to nonjudicial punishments he received on 890227 and 890921 respectfully.

5. Point of contact is Mr. [REDACTED] at DSN 278-9049.

[REDACTED]
[REDACTED]
Head, Field Support Branch
Manpower Management Information
Systems Division



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

CRS:jdh
Docket No: 3280-00
28 February 1998

[REDACTED]

Dear [REDACTED]:

This is in reference to your interest, as counsel, in the case of [REDACTED] USMC, Retired.

Enclosed is a copy of a letter to [REDACTED] informing him that his application has been denied. It is requested that you transmit the denial letter to him, a copy of which is enclosed for your records.

It is regretted that a more favorable reply cannot be made.

Sincerely,

W. DEAN PFEIFFER
Executive Director