



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

TRG
Docket No: 1134-01
25 January 2002

[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 23 April 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.

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.

You enlisted in the Marine Corps for four years on 6 June 1994 at age 18. The record shows that during the period 3 August 1995 to 23 February 1998 you received nonjudicial punishment (NJP) on four occasions for shoplifting, underage drinking, drunk driving, and absence from your appointed place of duty. In addition, you were counseled concerning substandard conduct, disrespect, irresponsible behavior and writing bad checks. You were released from active duty on 5 June 1998 with your service characterized as being under honorable conditions. At that time, you acknowledged that you were not recommended for reenlistment and would be assigned an RE-4 reenlistment code. Subsequently, you were issued an honorable discharge while you were a member of the Marine Corps Reserve.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were 3.8 and 4.0, respectively. A minimum average mark of 4.0 was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and the documentation you submitted showing that you were honorably discharged from the Marine Corps Reserve and that you are now a member of the National Guard. The Board found that these factors were not sufficient to warrant recharacterization of your service on release from active duty given your disciplinary record and your failure to achieve the required average mark in conduct. The Board further found that the erroneous honorable discharge certificate was not sufficient to support recharacterization of your service, upon release from active duty, to fully honorable. The Board concluded that you were properly released from active duty under honorable conditions and a change in the record was not warranted. Concerning the reenlistment code, the Board further concluded that your record of counselings and NJP's was sufficient to support the assignment of the RE-4 reenlistment code.

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