



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1598-00

25 August 2000

[REDACTED]

Dear [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 August 2000. 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.

The Board found you enlisted in the Marine Corps on 9 July 1974 at the age of 20. Your record reflects that you served without disciplinary incident until 27 May 1975 when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$50.

Your record further reflects that on 19 March 1976 you received NJP for failure to go to your appointed place of duty and were awarded restriction for seven days and a \$50 forfeiture of pay. The restriction was suspended for two months. Shortly thereafter, on 29 March 1975, you received NJP for absence from your appointed place of duty. The punishment imposed was a \$50 forfeiture of pay and restriction for seven days. The suspended restriction awarded at the 19 March 1976 NJP was also vacated due to your continued misconduct. On 24 August 1976 you received NJP for absence from your appointed place of duty and disobedience. The punishment imposed was forfeitures totalling \$50, which was suspended for three months.

On 17 May 1977 you received your fifth NJP for failure to obey a lawful order and were awarded a \$75 forfeiture of pay and correctional custody for 30 days.

On 8 July 1977, at the expiration of your enlistment, you were released under honorable conditions. On 27 May 1980, upon completion of your military obligation, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded to fully honorable. The Board also considered your contention that your discharge was too harsh for the problems that you had and should not have been based on your proficiency and conduct ratings. The Board further considered your contention that you now have a disability and your health is getting worse. However, the Board concluded these factors and contentions were not sufficient to warrant a change in your discharge given your frequent misconduct, which resulted in five NJPs, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. 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