



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

TRG  
Docket No: 2287-01  
16 August 2001

[REDACTED]

Dear [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 14 August 2001. 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 on 27 May 1977 at age 18. On 7 November 1978 and 21 May 1979 you received nonjudicial punishment for being drunk on duty, disobedience, and two periods of unauthorized absence totaling about three days.

On 9 November 1979 you began a period of unauthorized absence which lasted until 6 October 1980. A special court-martial convened on 19 December 1980 and convicted you of the foregoing 333 day period of unauthorized absence. The court sentenced you to reduction to pay grade E-1 and confinement at hard labor for three months.

You were restored to duty from confinement on 24 February 1981. You then served in an excellent manner until you were released from active duty on 5 August 1982, with your service characterized as being under honorable conditions. Subsequently, you were issued a general discharge at the end of your military obligation.

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 3.9, respectively. A minimum average mark of 4.0 in conduct 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, the period of good service after the special court-martial conviction, and your desire for an honorable discharge certificate. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of misconduct which included a 333 day period of unauthorized absence and your failure to achieve the required average mark in conduct. The Board believed that you were fortunate not to have received a bad conduct discharge after being convicted by a special court-martial of the lengthy period of absence. The Board concluded that the characterization of your service upon release from active duty and at the time of your discharge was appropriate 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