



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

CRS
Docket No: 6161-02
19 December 2002

[REDACTED]

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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 11 December 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.

The Board found that you enlisted in the Marine Corps on 27 August 1979. The record reflects that you received five nonjudicial punishments. The offenses included dereliction of duty, absence from your appointed place of duty on two occasions, possession of marijuana and drug paraphernalia, willful disobedience of a lawful order, and driving on a suspended license. Thereafter, you were separated under honorable conditions and transferred to the Marine Corps Reserve.

Character of service is based, in part, on one's conduct and proficiency averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were 3.7 and 4.1, respectively. A minimum average conduct mark of 4.0 was required for a fully honorable characterization of service at the time of separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were told that the discharge would be

upgraded after six months. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge given the five disciplinary actions as well as the fact that your conduct average was insufficiently high to warrant fully honorable discharge. In this regard, no law or regulations provides for upgrading a discharge based solely on the passage of time. 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