TJR
Docket No: 7620-02
27 May 2003

███████████████
███████████████
███████████████

Dear ████████

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 20 May 2003. 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.

You enlisted in the Marine Corps on 19 September 1952 after two years of prior honorable service in the Army. You continued to serve without incident until 13 May 1973 when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). The punishment imposed was extra duty for a week. On 5 November 1953 you received NJP for disorderly conduct and were awarded a suspended reduction to paygrade E-2.

On 10 January 1955 you received NJP for damage to military property and were awarded a reduction to paygrade E-2. Two days later, on 12 January 1955, you were convicted by summary court-martial (SCM) of two specifications of disobedience. You were sentenced to reduction to paygrade E-1 and a $65 forfeiture of pay. Shortly thereafter, on 22 February 1955, you were convicted by special court-martial (SPCM) of two specifications of failure to obey a lawful order. You were sentenced to confinement at hard labor for two months and a $100 forfeiture of pay.

On 17 September 1955, at the expiration of your enlistment, you received a general discharge.

Character of service is based, in part, on conduct and
proficiency averages which are computed from marks assigned
during periodic evaluations. Your conduct average was 3.94. 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, prior honorable service, and your
contentions that your discharge was based on one incident that
occurred over a three year period, and that your discharge would
have been upgraded had you applied for an upgrade in a timely
manner. It also considered your contention that you were asked
to reenlist but couldn't because of your mother's illness.
Nevertheless, the Board concluded these factors and contentions
were not sufficient to warrant recharacterization of your
discharge because of your repetitive misconduct, and since your
conduct average was insufficiently high to warrant an fully
honorable characterization of service. The Board noted that
there is no evidence in the record, and you submitted none, to
support your contentions. Further, regardless of when an
application has been filed, no discharge is automatically
upgraded. 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