



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

FC
Docket No: 01919-03
29 August 2003

[REDACTED]

[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 27 August 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 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 1 January 1962 at age 17. You served without incident until 21 May 1963, when you were convicted by special court martial (SPCM) of a 62-day period of unauthorized absence, and were sentenced to a reduction to paygrade E-1, confinement at hard labor and forfeitures of pay. On 10 December 1964, you were convicted of by a second SPCM of a 48-day period of unauthorized absence. The sentence of the court extended to forfeitures of pay and confinement at hard labor.

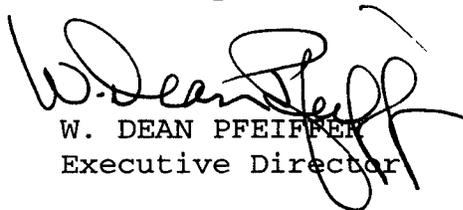
On 15 February 1965, a physical evaluation board recommended that you be discharged by reason of physical disability. On 2 March 1965, the separation authority directed that you be discharged by reason of physical disability without severance pay. On 17 March 1965, you received a general discharge.

Characterization of service is determined, in part, by conduct and proficiency averages, computed from marks assigned on a periodic basis. Your conduct average was 3.8. An average of 4.0 was required at the time of your separation for a fully honorable characterization of service.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, the length of time that has passed since you were discharged from the Marine Corps, and your post service employment. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your failure to obtain the conduct average required for a fully honorable characterization of service. The Board also noted your contention that you were 16 years old when you enlisted. However, there is no evidence in your record, and you submitted none, to support your contention that you were under the legal age for enlistment. Further, you apparently provided the recruiters a birth certificate that showed you were 17 years of age at the time of your enlistment. 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