



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

TRG
Docket No: 9586-05
28 March 2007

[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 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 March 2007. 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 17 September 2001 at age 18. Your record is incomplete and the documentation to support your disciplinary action is not filed in your record. However, your record of service which sets forth the proficiency and conduct marks and the occasion those marks were assigned is available. On 29 January and 4 April 2004 you were assigned adverse marks in conduct of 2.9 and 2.0, respectively on the occasions of your reduction in grade at nonjudicial punishment. Subsequently, you were assigned three consecutive adverse marks in conduct. Additionally, there are several counseling entries in the record. You were released from active duty on 16 September 2005 with your service characterized as under honorable conditions. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

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 4.1, 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 and desire for an honorable characterization of service to that you can receive your Montgomery G. I. Bill benefits. The Board found that these factors were not sufficient to warrant recharacterization of your service given your record of misconduct and failure to achieve the required average mark in conduct. The Board concluded that your service was properly characterized and a correction to your record is not 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