



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

CRS
Docket No: 7629-06
18 January 2008

[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 12 December 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.

The Board found that you enlisted in the Marine Corps on 26 July 1974. You received four nonjudicial punishments for offenses that included dereliction of duty, sleeping on watch, absence from appointed place of duty, failure to obey a lawful order, and unauthorized absence. You received a general discharge on 19 March 1976 under the provisions of the Expeditious Discharge Program then in effect.

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 3.30 and 3.05, respectively. A minimum average conduct mark of 4.0 was required for a fully honorable characterization of service at the time of your separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your physical problems, service in Cambodia, and the contention that you left the Marine Corps due to its refusal to change your military occupational specialty (MOS). The Board concluded that those factors were

insufficient to warrant recharacterization of your discharge given your extensive disciplinary record and the fact that your conduct average was too low to warrant an honorable discharge. In this regard, there is nothing in your record about a change in your MOS. 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