



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

CRS
Docket No: 11122-06
23 March 2006

[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 22 February 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 June 1961. The record reflects that you received three nonjudicial punishments and were convicted by summary and special courts-martial. Your offenses included unauthorized absences totaling 41 days, failure to obey a lawful order, failure to go to your appointed place of duty, absence from your appointed place of duty on two occasions, and failure to maintain security of a weapon. On 10 August 1964 you were separated under honorable conditions and transferred to the Marine Corps Reserve.

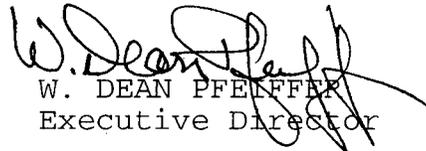
Character of service is based, in part, on one's conduct and proficiency averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.7. Minimum average marks of 4.0 in conduct and 3.8 in proficiency were required for a fully 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 the contention that

racial prejudice caused your misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your service, given your five disciplinary actions as well as the fact that both of your averages were insufficiently high to warrant a fully honorable discharge. Concerning your contention of racism, you have submitted no evidence to support such a contention and the record contains no such evidence. 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 PFEFFER
Executive Director