



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

TRG  
Docket No: 5278-07  
23 January 2008

[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 15 January 2008. 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 25 September 1961 at age 19. During the period from 8 June 1964 to 20 April 1966 you received nonjudicial punishment (NJP) on three occasions and were convicted by a special court-martial. Your offenses were three instances of disobedience and falsifying a check. You were released from active duty on 1 May 1966 with your service characterized as under honorable conditions. Subsequently, you were issued a general discharge at the end of your military obligation.

Character of service is based, in part, on conduct and proficiency averages, which are computed from marks assigned during periodic evaluations. Your conduct mark average was 3.9. A minimum average mark of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

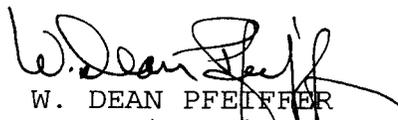
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and completion of your period of service. The Board also considered your contentions in effect, that your last NJP was unjust and that you were told that the discharge would be automatically upgraded after six months. The Board found that these factors and

contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and failure to achieve the required average mark in conduct. The Board was aware that there is no provision in the regulations which would require recharacterization of a discharge based solely on the passage of a period of time. The Board concluded that the characterization of your service was proper and a recharacterization to fully honorable was 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 PFELFFER  
Executive Director