



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

TJR
Docket No: 6337-07
17 April 2008

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 10 November 1958 at age 17. You served for nearly a year without disciplinary incident, but during the period from 15 September to 12 October 1959 you received nonjudicial punishment (NJP) on three occasions for failure to go to your appointed place of duty and two specifications of failure to obey a lawful order.

During the period from 1 March to 19 July 1960 you received NJP on seven more occasions for wearing an unpressed uniform, five specifications of failure to obey a lawful order, and breaking restriction. On 8 August 1960 you were convicted by summary court-martial (SCM) of failure to obey a lawful order and sentenced to reduction to paygrade E-1, hard labor for 30 days, and a \$25 forfeiture of pay. Shortly thereafter, on 31 August 1960, you received NJP for failure to obey a lawful order and were awarded confinement on bread and water for three days.

Subsequently, you were processed for administrative separation by reason of unsuitability. On 4 January 1961 your commanding officer recommended discharge under honorable conditions by reason of unsuitability. On 6 February 1961 the discharge authority approved this recommendation and directed separation under honorable conditions by reason of unsuitability, and on 14 March 1961 you were issued a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.6. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your post service conduct and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in 11 NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant an honorable discharge. 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