



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

TJR
Docket No: 8134-07
9 October 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 7 October 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 5 August 1960 at age 17. You served without disciplinary incident until 22 August 1961, when you were convicted by summary court-martial (SCM) of a nine day period of unauthorized absence (UA). You were sentenced to hard labor for 30 days, a \$50 forfeiture of pay, and reduction to paygrade E-1.

On 2 January 1962 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction for two weeks. On 17 May 1962, after undergoing a physical evaluation, you were diagnosed with bilateral defective hearing and recommended for an administrative discharge.

Subsequently, you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed bilateral defective hearing. At that time you did not object to the discharge. Your commanding officer recommended discharge by

reason of unsuitability due to the diagnosed bilateral defective hearing. On 11 July 1962 the discharge authority approved this recommendation and directed discharge under honorable conditions. On 1 August 1962 you were issued a general discharge.

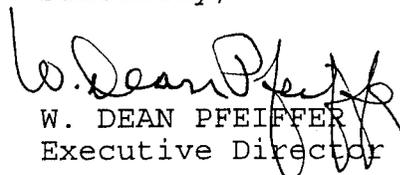
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.9. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertions that your discharge should be upgraded because you served without problems or disciplinary issues and were discharged for a medical condition. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct, and since your conduct average was insufficiently high to warrant an honorable discharge. Finally, there is documented evidence in the record, specifically, your NJP and SCM, that is contrary to your assertion. 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