



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

SMW
Docket No: 10235-07
26 June 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 25 June 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.

On 8 February 1974, you enlisted in the Marine Corps at age 17 with parental consent. On 17 July 1974 and 15 January 1975, you had nonjudicial punishment (NJP) for three instances of unauthorized absence (UA) totaling about ten days. During the period 4 August to 9 September 1975, you were in a UA status on two occasions totaling about 28 days. On 9 September 1975, you received a letter of deficiency from your commanding officer. On 17 September 1975, you had NJP for the two UA's that totaled 28 days. On 2 December 1975, you were relieved from your duties as guard for security reasons. On 15 January 1976, you received another letter of deficiency from your commanding officer. On 28 January 1976, a psychiatric evaluation stated that you had an immature personality.

On 5 March 1976, your commanding officer initiated administrative separation processing under the Marine Corps' expeditious discharge program, and recommended a general discharge. In connection with this processing, you

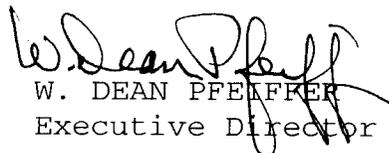
acknowledged the discharge recommendation and did not object. On 15 March 1976, the separation authority approved the discharge recommendation and directed a general discharge by reason of convenience of the government under the expeditious discharge program. On 23 March 1976, you were so discharged.

Characterization of service is based, in part, on conduct and proficiency averages computed from marks assigned on a periodic basis. Your proficiency and conduct averages were 4.0 and 3.9, respectively. An average mark 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 potential mitigation, such as your youth and belief that your discharge would automatically change to honorable. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your service due to the seriousness of your repetitive misconduct and failure to attain the conduct average required for a fully honorable characterization of service. Furthermore, you are advised that there is no provision in the law or regulations that allows for recharacterization of service due to the passage of time. Therefore, the Board concluded that the discharge was proper as issued and no change is 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 PFEFFER
Executive Director