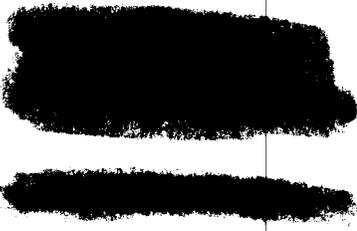




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 11089-07
28 August 2008



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 26 August 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 20 March 1973 at age 17. On 7 September 1973 you received nonjudicial punishment for an unauthorized absence of about 45 days. During the period from 7 September 1972 to 16 February 1977 you received nonjudicial punishment on nine occasions. Your offenses included two periods of unauthorized absence totaling about five days, possession of marijuana, two instances of disobedience, disrespect and breaking restriction. On 9 September 1977 you were released from active duty with your service characterized as being 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 and proficiency averages were 3.7 and 4.3, respectively. A minimum average mark of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

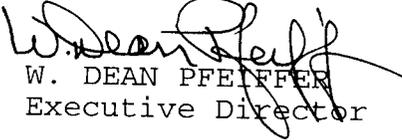
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you performed your duties in an excellent manner. The Board found that these factors and

contention were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record and failure to achieve the required average mark in conduct. 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 PFEIFFER
Executive Director