



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

TJR  
Docket No: 11227-07  
14 November 2008

[REDACTED]

[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 13 November 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 January 1959 at age 17 and served without disciplinary incident until 18 August 1960, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. About five months later, on 4 January 1961, you were convicted by summary court-martial (SCM) of a 21 day period of unauthorized absence (UA), and on 9 October 1961 you were convicted by special court-martial (SPCM) of a six day period of UA and absence from your appointed place of duty. You were also convicted by SPCM on 17 May 1962 of a 24 day period of UA and absence from your appointed place of duty.

On 25 July 1963 you were convicted by SCM of a four day period of UA and sentenced to hard labor for 45 days, restriction for two months, reduction to paygrade E-1, and a \$70 forfeiture of pay, which was suspended for six months. Shortly thereafter, on 29 July 1963, you were notified of pending administrative separation action by reason of unsuitability. At that time you waived your procedural rights and did not object to the discharge. Your commanding officer recommended discharge under honorable

conditions by reason of unsuitability due to repetitive disciplinary infractions. On 22 August 1963 the discharge authority approved this recommendation and directed discharge under honorable conditions. On 30 August 1963 you were issued a general discharge.

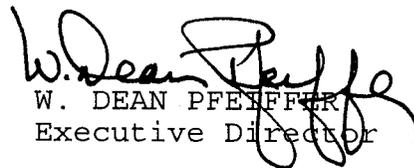
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.0. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your discharge should be upgraded because your conduct and proficiency marks warranted an honorable characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in NJP and four court-martial convictions, and since your conduct average was insufficiently high to warrant an honorable discharge. Finally, there is documented evidence in the record 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