



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

TJR
Docket No: 11334-07
14 November 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 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 July 1983 at age 18 and served for two years and two months without disciplinary incident, but on 6 September and 5 December 1985, you received nonjudicial punishment (NJP) for disobedience and a four day period of unauthorized absence (UA). About a year later, on 19 December 1986, you received NJP for disrespect and were awarded a \$167 forfeiture of pay.

On 5 May 1987 you were convicted by special court-martial (SPCM) of assault and disrespect. You were sentenced to confinement at hard labor for 30 days and a \$200 forfeiture of pay.

On 28 July 1987 you were released from active duty under honorable conditions. On 29 December 1988, upon completion of your obligated service, you were issued an honorable discharge certificate.

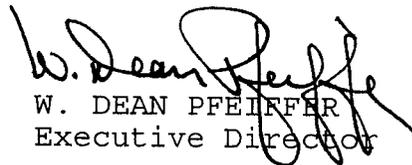
Character of service is based, in part, on conduct and overall proficiency averages which are computed from marks assigned during periodic evaluations. An average of 4.0 in conduct was required at the time of your release from active duty for a fully honorable characterization of service. However, your average was 3.8.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and assertion that your characterization of service at the time of your release from active duty should have been honorable since you served for six years. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your release from active duty because your marks were insufficiently high to warrant a fully honorable characterization of service due to your misconduct, which resulted in three NJPs and a court-martial conviction. 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