



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

SMS
Docket No: 2594-08
20 November 2008

[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 19 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.

On 2 November 1970, you enlisted in the Marine Corps at age 17 with parental consent. During the period 14 August 1972 to 30 January 1973, you had nonjudicial punishment on three occasions and a suspended punishment vacated. Your offenses included three instances of failure to obey a lawful order, possession of two liberty cards, possession of a military identification card that you reported lost or stolen and reporting the replacement identification card as being lost or stolen. On 1 November 1973, you were released from active duty under honorable conditions due to the expiration of your active service. On 9 September 1976, you were separated with a general discharge due to the expiration of your obligated service.

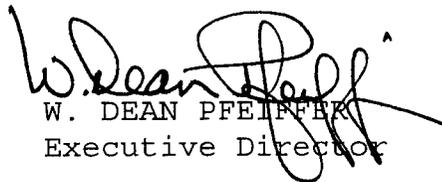
Characterization of service is determined by a service member's conduct, actions, and proficiency and conduct marks assigned on a periodic basis. Minimum acceptable average proficiency and conduct marks of 3.0 and 4.0, respectively, were required to

form the basis for a fully honorable characterization of service. Your average proficiency and conduct marks were 3.9 and 3.8, respectively. Given your disciplinary record and failure to attain the conduct mark average required for a fully honorable characterization of service, the Board found that your service warranted a general characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, desire for an honorable discharge, and the passage of time. The Board also considered your explanation of events regarding one of your NJP's. Nevertheless, the Board found that these factors and explanation were not sufficient to warrant recharacterization of your service due to your overall service record. You are further advised that there is no provision in the law or regulations that allows for recharacterization due solely 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 PFEIFFER
Executive Director