



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

SJN
Docket No: 03372-08
27 February 2009



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 24 February 2009. 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 and began a period of active duty on 26 September 1966. On 6 September 1967, you received nonjudicial punishment (NJP) for going from your appointed place of duty. On 8 December 1967, you were convicted by special court-martial (SPCM) of a brief period of unauthorized absence (UA), being an accessory after the fact, assault, and possessing a false liberty pass. You were sentenced to confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. On 6 September 1968, you received a second NJP for two days of UA.

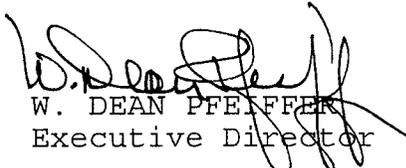
Based on the information currently contained in your record it appears you were released under honorable conditions from active duty on 15 November 1968. At that time, you were not recommended for retention due to your repeated misconduct.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.8. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and time served in Vietnam. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the two NJP's, conviction by SPCM, and your failure to attain the required average in conduct. 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