



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

SMS  
Docket No: 4379-08  
5 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 4 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.

On 24 November 1987, you enlisted in the Marine Corps at age 19. On 24 March and 7 July 1989, you were counseled regarding deficiencies in your performance and conduct. On 20 August 1990, you had nonjudicial punishment for operating a motor vehicle with a suspended license, driving under the influence of alcohol, and disobedience of a lawful order. On 5 September 1990, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an other than honorable discharge. On 29 September 1991, you were convicted by a summary court-martial of three instances of disobedience of a lawful order and sleeping on post. On 4 February 1992, you were separated with a general discharge due to the completion of your required active service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth

and desire for an honorable discharge. The Board also considered the Separation/Enlistment Voucher (NAVMC 11060) issued on 24 January 1992, that you submitted with your application. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your service. Regarding the NAVMC 11060, it was issued on 24 January 1992, to settle your pay before you were discharged, and it erroneously noted your characterization of service that was determined to be general on the date that you were discharged. Furthermore, characterization of service for members who are discharged due to the completion of required active service is determined by their conduct, actions, and overall 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 proficiency and conduct marks are not currently contained in the record. Nevertheless, given your disciplinary actions, the Board found that your service warranted a general characterization of service. 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