



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

TRG
Docket No: 4777-08
25 March 2009

[REDACTED]

[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 17 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 1 May 1973 at age 17. There is no documentation in the record to show that you enlisted for a bonus. During the period from 20 May 1976 to 17 September 1976, you received nonjudicial punishment on three occasions. Your offenses were four periods of unauthorized absence totaling about 27 days. A special court-martial convened on 5 January 1977 and convicted you of an unauthorized absence of about 67 days. The sentence of the court did not include a bad conduct discharge. You were released from active duty on 27 September 1977 with your service characterized as being under honorable conditions. Subsequently, you were issued a general discharge at the end of your military obligation.

Marine Corps regulations allow for characterization of service as being under honorable conditions in those cases where an individuals average mark in conduct is below 4.0. Because of your misconduct, you were assigned several marks in conduct below 4.0. This resulted in an average mark in conduct of 3.7.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, period of good service and contention that post traumatic stress disorder led to your misconduct. Further, there is no documentation in

the record and you have submitted none to show that you were not responsible for your actions or were not competent to stand trial for your offense. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct and failure to achieve the required average mark in conduct. The Board concluded that the discharge was proper as issued and no change is warranted. As indicated there is nothing in the record to show that you were entitled to an enlistment bonus. Given the passage of time no other information is available.

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