



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

SMS
Docket No: 5744-08
26 February 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 25 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 25 November 1986, you enlisted in the Marine Corps at age 18. On 25 February 1988, you were counseled regarding your fraudulent use of another Marine's phone card, and warned that further infractions could result in disciplinary action or administrative separation. On 28 March 1988, you were counseled regarding your frequent discreditable conduct and warned that further infractions could result in disciplinary action or an other than honorable discharge. During the period 21 March 1989 to 12 April 1990, you had nonjudicial punishment on four occasions. Your offenses included two instances of failure to go to your appointed place of duty, absence from your appointed place of duty, disobedience of a lawful order, making a false official statement, and a brief instance of unauthorized absence (UA). On 28 April 1990, you were counseled regarding your failure to go to your appointed place of duty and warned that further infractions could result in disciplinary action or administrative separation. On

9 August 1990, you had NJP for a brief instance of UA. On 19 September 1990, suspended punishment was vacated from the NJP dated 9 August 1990, and you were counseled and given another administrative separation warning. On 28 September 1990, you were released from active duty under honorable conditions due to the completion of required active service. On 17 March 1994, you were separated with a general discharge due to the expiration of your obligated service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that your proficiency and conduct marks met the requirements for an honorable discharge. Nevertheless, the Board found that these factors and contention were not sufficient to warrant recharacterization of your service. In this regard, characterization of service for members who are discharged due to the completion of required active service is determined by their 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. Although your proficiency and conduct mark averages met the requirement for an honorable discharge, 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