



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

SJN
Docket No: 06912-08
21 May 2009

[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 13 May 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 on 30 October 1974 at age 18. During the period from 21 March 1975 to 25 August 1976, you received three nonjudicial punishments (NJP's) for failure to go to your appointed place of duty, absence from your appointed place of duty, and a brief unauthorized absence (UA).

On 13 September 1976, a neuropsychiatric examination diagnosed you with a situational adjustment reaction of adolescence. The report further revealed, in part, that your hypersomnia was manifested due to the difficulties you were experiencing with your command. You were returned to full duty without further medication or treatment. On 2 November 1976, you received a fourth NJP for absence from your appointed place of duty.

On 26 November 1976, you were processed for separation by reason of convenience of the government. Your commanding officer stated, in part, that you demonstrated an inability to adapt emotionally or professionally to the standards of the Marine Corps. Based on the information currently contained in your

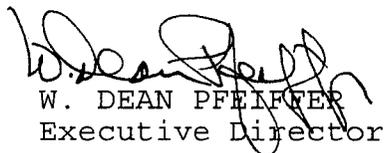
record it appears you elected to receive copies of documents to be forwarded to the separation authority, but waived all other procedural rights. On 22 December 1976, you received a general discharge based on your average conduct marks.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.9. 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 and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the four NJP's, the diagnosed adjustment disorder, 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