



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

TJR
Docket No: 8034-08
24 June 2009

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 28 November 1966 at age 18 and began a period of active duty on 1 December 1966. You served without disciplinary incident until 14 June 1968, when you received nonjudicial punishment (NJP) for disrespect. About six months later, on 30 December 1966 you received NJP for a four day period of unauthorized absence (UA) and disorderly conduct.

On 24 October 1969 you were convicted by special court-martial (SPCM) of an 84 day period of UA. You were sentenced to confinement at hard labor for two months, a \$120 forfeiture of pay, and reduction to paygrade E-1.

Subsequently, on 28 May 1970 you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. On 2 March 1973, upon completion of your obligated service, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.65, and an average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, period of satisfactory service, and desire to upgrade the characterization of your release from active duty. It also considered your assertion that since you were issued a fully honorable characterization of service when discharged, you did not perceive the characterization of general under honorable conditions, when released from active duty, to be a problem. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, regarding your assertion of receiving an honorable discharge, your record does not contain a discharge certificate that bears a fully honorable characterization of service. Accordingly, your application has been denied.

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