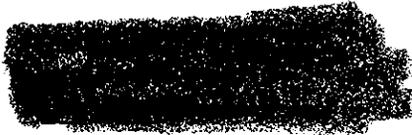




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 9018-08  
2 July 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 1 July 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 and medical records, and applicable statutes, regulations and policies.

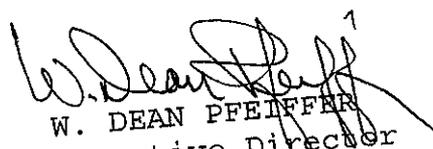
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Marine Corps on 15 September 1977. You received nonjudicial punishment (NJP) on four occasions for violating a lawful general order, two instances of unauthorized absence (UA) totaling approximately 16 days, and breaking restriction. You also received a summary court-martial for a one day period of UA. On 6 May 1980, you were counseled regarding your poor attitude, lack of motivation, and unsatisfactory duty performance. On 23 July 1980, you received a general discharge under the expeditious discharge program, and were assigned an RE-3B reenlistment code.

Discharges are based, in part, on marks assigned on a periodic basis. At the time of your separation, you needed a 4.0 average in conduct to receive an honorable discharge. Your conduct average was 3.2.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and the passage of time. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your general discharge because of your numerous acts of misconduct and insufficiently high conduct mark average. You are advised that no discharge is automatically upgraded based solely on the passage of time. In view of the above, 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