



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

RDZ:ecb
Docket No. 02192-08
12 March 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 10 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.

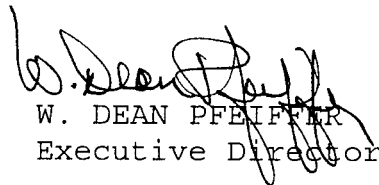
You enlisted in the Marine Corps on 26 July 1974. Between April and June of 1976 you received three nonjudicial punishments (NJP). Your offenses were disobedience, 22 hours of unauthorized absence and failure to go to your appointed place of duty. Due to your disciplinary record and final average conduct mark of 3.8 your release from active duty on 9 July 1976 was characterized as under honorable conditions (general) and your discharge from the Marine Corps on 10 July 1980 was likewise characterized as general.

In its review of your application the Board concluded that in view of your frequent acts of misconduct and your failure to achieve a final average conduct mark of 4.0 you were properly issued a general discharge. The Board also noted that you were counseled on numerous occasions during your time on active duty due to unsatisfactory performance of duty.

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