



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

SMS
Docket No: 4072-08
16 January 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 14 January 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.

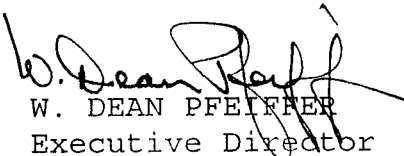
On 17 May 1980, you enlisted in the Marine Corps at age 18. On 30 May and 16 July 1980, you had nonjudicial punishment (NJP) for disrespect and an unspecified offense. During the period 26 November 1980 to 26 January 1981, you were in an unauthorized absence status on two occasions totaling about nine days and it appears that no disciplinary action was taken for these offenses. Based on the information currently contained in the record, it also appears that your commanding officer subsequently initiated administrative separation by reason of convenience of the government due to substandard behavior. In connection with this processing, you would have acknowledged the separation action and that your characterization of service would be determined as warranted by your service record. Apparently, the separation authority approved the discharge recommendation. On 20 February 1981, you were separated with a general discharge by reason of convenience of the government due to substandard behavior.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for an honorable discharge. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your service. In this regard, characterization of service for members who are discharged by reason of convenience of the government is determined by their conduct, actions, and overall 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. Your average proficiency and conduct marks were 4.0 and 3.86, respectively. Given your failure to attain the conduct mark average required for a fully honorable characterization of service and NJP, 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.

The Board noted that as a result of your general characterization of service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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