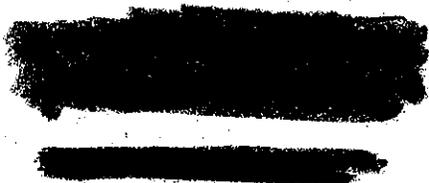




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 01123-09
8 December 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 December 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 and began a period of active duty on 24 April 1975 at age 17. On 13 January and 14 June 1976, you received nonjudicial punishment (NJP) for nine days of unauthorized absence (UA), resisting arrest, attempting to strike another service member, and drunk and disorderly conduct.

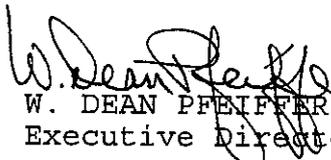
On 15 June 1976, your commanding officer notified you that under the provisions of an expeditious discharge program, separation action was being initiated by reason of convenience of the government due to your poor attitude, lack of self-discipline and general inability to conform to the standards of the Marine Corps. You declined to submit a statement in response to the proposed action, apparently had no desire to be promoted and wanted to be separated from the service. On 12 July 1976, the discharge authority directed a general discharge. On 16 July 1976 you were so discharged.

Characterization of service is based, in part, on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.7. 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 entire record and 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 recharacterization of your discharge because of your two NJP's and especially your failure to attain the conduct average required for an honorable discharge. 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