



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

TJR
Docket No: 2395-09
8 March 2010

[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 2 March 2010. 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 15 April 1964 at age 18 and served without disciplinary incident until 18 December 1964, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA).

During the period from 28 January to 12 September 1966 you received NJP on five more occasions for three periods of absence from your appointed place of duty, two periods of UA totalling three days, breaking restriction, and possession of a false liberty card. The record also reflects an NJP for unspecified offenses. About four months later, on 12 January 1967, you were convicted by special court-martial (SPCM) of three periods of UA totalling 43 days, two periods of failure to go to your appointed place of duty, and reckless driving. You were sentenced to confinement at hard labor for four months and a \$236 forfeiture of pay.

Subsequently you submitted a request for a hardship discharge. On 9 April 1968 this request was approved and your commanding officer was directed to issue you a general discharge by reason of hardship. On 10 May 1968 you received NJP for failure to go to your appointed place of duty and were awarded restriction for three days. Shortly thereafter, on 29 May 1968, you were issued a general discharge by reason of convenience of the government due to hardship.

At the time of your separation character of service was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Your conduct average was 3.7. 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 and desire to change upgrade your discharge. It also considered your statement regarding your period of service and the circumstances resulting in your discharge. 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 seven NJPs and a court-martial conviction. 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