



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

SJN
Docket No: 02411-09
7 January 2010

[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 5 January 2010. 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.

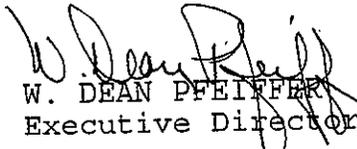
You enlisted in the Marine Corps and began a period of active duty on 11 March 1959 at age 17. On 25 January 1960, you received nonjudicial punishment (NJP) for reckless driving. On 21 June 1960, you were convicted by summary court-martial of four specifications of disobedience and a period of unauthorized absence (UA). On 14 and 19 November 1960, you were convicted by civil authorities of minor in possession of alcoholic beverages, petty theft, and malicious mischief. On 25 January 1961, you received a second NJP for a period of UA. On 30 March 1961, you were convicted by special court-martial (SPCM) of 26 days of UA and disobedience. During the period from 10 August 1961 to 27 March 1963, you received four additional NJP's for disobedience, failure to go to your appointed place of duty, leaving your place of duty, and a period of UA. You remained on active duty until 19 April 1963, when you were released under honorable conditions from active duty at the expiration of your enlistment and transferred to the Marine Corps Reserve. On 11 June 1965 you were discharged at the completion of your military obligation based on your conduct and proficiency marks.

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 application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the six NJP's, conviction by SCM and SPCM, two civil convictions, and your failure to attain the required average in conduct. 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