



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

TJR
Docket No: 6776-09
4 June 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 3 June 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 27 January 1969 at age 21. You served without disciplinary incident until 5 December 1973, when you received nonjudicial punishment (NJP) for failure to obey a lawful order by failing to render respect to the National Anthem. Shortly thereafter, on 5 January 1974, you received NJP for failure to obey a lawful order by failing to get a haircut.

On 26 January 1975, you were discharged under honorable conditions, at the expiration of your enlistment. At the time of your discharge, character of service was based, in part, on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. Your conduct average was 3.8. However, an average of 4.0 in conduct was required at the time of your discharge 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 upgrade your discharge. Nevertheless,

the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in two NJPs, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, Marines with a record of misconduct normally receive discharges under other than honorable conditions, and as such, the Board noted that you were fortunate to receive a general characterization of service. 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