



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

BJG
Docket No: 12891-09
2 September 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 31 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Marine Corps on 16 December 1974. You received nonjudicial punishment on two occasions and were convicted by special court-martial. Your offenses included unauthorized absence (two specifications totaling 47 days), wrongful possession of a high explosive round, failure to obey a lawful order, and absence from your appointed place of duty. On 24 May 1976, you were diagnosed with Osgood-Schlatters Disease (chronic knee pain), and a medical board recommended discharge.

On 2 July 1976, you received a general discharge due to physical disability, and were assigned an RE-4 (not recommended for retention) reenlistment code.

Character of service is based in part on conduct and proficiency marks assigned on a periodic basis. Your conduct average was 3.2. A 4.0 was required for a fully honorable discharge.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed because of your misconduct and insufficiently high conduct average. The Board noted that you were fortunate to receive a general discharge, since an individual who has committed misconduct such as yours normally receives an other than honorable characterization of service. In view of the above, 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