



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

TJR
Docket No: 1492-10
4 November 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 November 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 17 March 1975 at age 19 and served without disciplinary incident until 21 June 1976, when you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling 29 days, dereliction of duty, disrespect, and failure to obey a lawful order. You were sentenced to confinement at hard labor for 60 days, 30 days of which were suspended for six months, reduction to paygrade E-1, and a \$300 forfeiture of pay.

During the period from 3 February to 20 May 1977 you were ordered to undergo local alcohol rehabilitation, and were apprehended by civil authorities on two occasions for driving while intoxicated, removing a serial number of a vehicle identification number, and public intoxication. Although the record reflects that these charges were pending conviction by civil authorities, the outcome of such actions is not reflected in the record.

On 1 July 1977, at the expiration of your enlistment, you were discharged under honorable conditions. In this regard, character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.1. 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 the characterization of your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness your misconduct, which resulted in SPCM, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Accordingly, your application has been denied.

The Board also noted that you should contact Headquarters, United States Marine Corps, Deputy Chief of Staff for Manpower and Reserve Affairs (M&RA) Department, Code MMER, 3280 Russell Road, Quantico, VA 22134-5103 to request that administrative corrections be made to your Certificate of Release or Discharge from Active Duty (DD Form 214) such as, but not inclusive of, authorized awards and decorations.

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