



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

TJR
Docket No: 2182-10
14 January 2011

[REDACTED]
[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 11 January 2011. 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 26 July 1972 at age 17 and served for about nine months without disciplinary incident. However, on 26 April and 23 July 1973, you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty and disrespect.

During the period from 14 January to 19 December 1975 you received NJP on five more occasions. Your offenses were two periods of absence from your appointed place of duty, a two day period of unauthorized absence (UA), disrespect, and disobedience.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to your limited mobilization potential. The discharge authority directed your commanding officer to issue you a general discharge by reason of convenience of the government, and on 8 May 1978, you were so discharged. At the time of your discharge, 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 3.9. 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 repetitive misconduct, which resulted in seven NJPs, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, Marines with a record of misconduct, such as yours, 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