



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

TAL  
Docket No: 5234-09  
9 April 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 March 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 30 August 1974 at age 18. On 22 November 1976, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your appointed place of duty. On 16 December 1976, you received NJP for UA from your appointed place of duty. On 12 January 1977, you received NJP for breaking restriction. On 10 February 1977, you were convicted by summary court-martial (SCM) for two instances of insubordinate conduct toward a noncommissioned officer. On 31 March 1977, you were again convicted by SCM for a 23 day period of UA from your unit and disobeying a lawful order. On 16 August 1977, you received NJP for two instances of UA from your appointed place of duty. On 31 August 1977, you received NJP for disrespectful language to a superior noncommissioned officer and disobeying a lawful order. You remained on active duty until 21 September 1977 when you were discharged under general conditions at the expiration of your enlistment based on your conduct mark average.

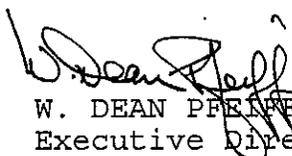
Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.5. At the time of your

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 overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the five NJPs, two SCMs and 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