



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

TAL
Docket No: 7446-10
8 April 2011



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 6 April 2011. 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.

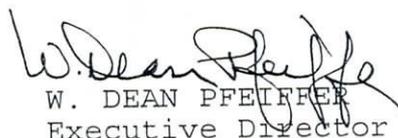
You enlisted in the Marine Corps and began a period of active duty on 17 July 1963 at age 17. You received nonjudicial punishment (NJP) on three occasions for two instances of unauthorized absence (UA) from your unit for a period of eight days and failure to obey a lawful order. On 9 December 1965, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 27 days, insubordinate conduct toward a superior noncommissioned officer and failure to obey a lawful order. The sentence imposed was confinement for two months and 15 days, a forfeiture of pay and reduction in paygrade. You again received NJP on three occasions from 5 July 1966 through 11 May 1967 for failure to obey a lawful order, two instances of failure to go to your appointed place of duty and breaking restriction. On 11 October 1967, you were convicted by SPCM of UA from your unit for a period of 119 days and failure to obey a lawful order. The sentence imposed was confinement for four months, a forfeiture of pay and a bad conduct discharge (BCD). The convening authority suspended the BCD for a period of six months. You remained on active duty until 3 October 1968 when you were separated with a general discharge at the expiration of your enlistment.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.9. 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 combat service in Vietnam. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in six NJPs, two SPCMs, periods of UA that totaled over five months 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