



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

TJR  
Docket No: 7609-10  
27 May 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 24 May 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 31 May 1972 at age 18. About six months later, on 30 November 1972, you received nonjudicial punishment (NJP) for a 23 day period of unauthorized absence (UA). On 8 and 23 March 1973 you received NJP for a three day period of UA and being incapacitated for duty.

Subsequently, you were processed for an administrative separation by reason of unsuitability due to apathy and defective attitude. On 26 April 1973 your commanding officer recommended discharge under honorable conditions. This recommendation referenced your pre-service civil arrests on two occasions, three NJPs, and your apathetic performance and attitude. On 10 May 1973 the discharge authority approved this recommendation but suspended its

execution for one year provided no further misconduct was committed. However, on 4 January 1974, you were convicted by summary court-martial (SCM) of a 25 day period of UA. At that time the suspended discharge was vacated and on 19 March 1974, you were issued a general discharge.

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 3.9. An average of 4.0 in conduct was required at the time of your separation 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. It also considered your assertion that you were told that if you stayed out of trouble, your discharge would be ungraded. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs and conviction by SCM, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, Marines with an extensive 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. Finally, no discharge is automatically upgraded due solely to an individual's good post service conduct. 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