



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

BJG  
Docket No: 9627-10  
25 May 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 24 May 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and entered active duty on 12 April 1973. You received nonjudicial punishment on six occasions for sleeping on watch (two specifications), unauthorized absence, disobeying a lawful order (five specifications), and assault (six specifications). You were notified of pending administrative separation processing with an under other than honorable conditions discharge due to misconduct. You elected to have your case heard by an administrative discharge board (ADB), which met and found that

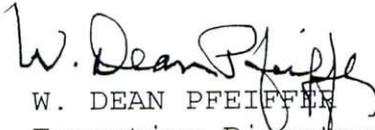
you had committed misconduct, and recommended your separation with a general discharge. The discharge authority concurred with the ADB's finding and recommendation. On 24 September 1976, you were discharged under honorable conditions due to misconduct, and assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth. However, the Board concluded that your discharge should not be changed due to your numerous acts of misconduct. The Board believed you were fortunate to receive a general discharge, since individuals who are separated for misconduct normally receive an under other than honorable characterization of service. You are advised that no discharge is upgraded automatically due merely to the passage of time or post service good conduct. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Regarding your request for awards for Vietnam service, your record reveals that you are only entitled to the National Defense Service Medal.

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