



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

TJR
Docket No: 473-11
25 October 2011

[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 25 October 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 22 September 1980 at age 19 and began a period of active duty on 2 October 1980. You served for about four months without disciplinary incident, however, on 5 February and again on 5 March 1981, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling seven days, six periods of absence from your appointed place of duty, and disobedience.

It appears that you were referred for an evaluation to determine your fitness for duty, diagnosed with a physical disability that existed prior to your enlistment, specifically, lacerated flexor digitorum profundus to the right little finger with subsequent repair followed by tendon graft with limited range of motion, and recommended for an administrative separation. Subsequently, you were processed for an administrative separation by reason of

convenience of the government due to your diagnosed physical disability. The discharge authority directed discharge under honorable conditions, and on 15 April 1981, you were issued a general discharge and were assigned an RE-3P reenlistment code.

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 2.0. 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 the characterization of your general discharge and change your narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your narrative reason for separation because of the documented evidence of your physical disability or recharacterization of your general discharge because of your misconduct, which resulted in two NJPs, and since your conduct average was insufficiently high to warrant a fully honorable 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