



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

SJN
Docket No: 01057-11
9 November 2011

[REDACTED]

[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 8 November 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.

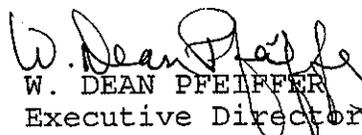
You enlisted in the Marine Corps and began a period of active duty on 10 August 1965. The Board found you received nonjudicial punishment (NJP) for unauthorized absence and two instances of disobedience. Also, you were convicted by special court-martial (SPCM) of illegal possession of narcotics, disobedience, disrespectful language, and failure to go to your appointed place of duty. You were sentenced to confinement at hard labor, a reduction in paygrade, a forfeiture of pay, and a bad conduct discharge. However, the convening authority only approved the hard labor and reduction in paygrade. On 2 May 1969, you were released under honorable conditions from active duty by reason of "reduction in force". You received a general discharge at the completion of your required obligated service on 26 September 1971 based on your conduct marks.

Characterization of service is based in part on your conduct mark average computed from marks assigned on a periodic basis. Your conduct mark average was 3.9. At the time of your service, a conduct mark 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, Vietnam service, and desire to upgrade your characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your characterization of service given your NJP and SPCM conviction of very serious offenses. 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