



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 1325-11  
16 February 2012

[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 14 February 2012. 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 23 August 1957 at age 19 and immediately began a period of active duty. You served without disciplinary incident until 30 August 1958, when you received nonjudicial punishment (NJP) for housebreaking and damage to government property.

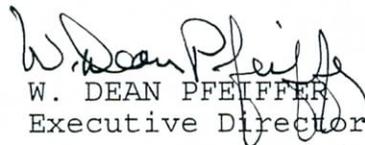
On 26 January 1960 you were convicted by civil authorities of malicious mischief. About seven months later, on 22 July 1960, you received NJP for a four day period of unauthorized absence (UA). Shortly thereafter, on 26 August 1960, upon completion of your required active service, you were released from active duty under honorable conditions and transferred to the Naval Reserve. However, you were erroneously issued a Certificate of Release or Discharge from Active Duty (DD Form 214) which reflected an honorable characterization of service. On 26 August 1963, at the expiration of your enlistment, you were discharged under honorable conditions.

At the time of your release from active duty and discharge, character of service was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Your conduct average was 3.9, however, an average of 4.0 in conduct was required 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 release from active duty and discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your service because of your misconduct in both the military and civilian communities, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, although you were erroneously issued an honorable record of discharge, you were properly released from active duty and discharged under honorable conditions. 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