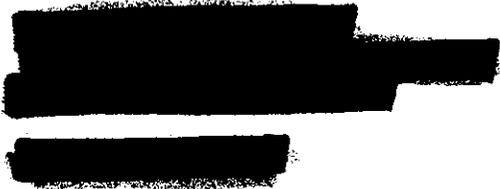




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD
ARLINGTON, VA 22204

TAL
Docket No: 4089-11
27 January 2012



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 25 January 2012. 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.

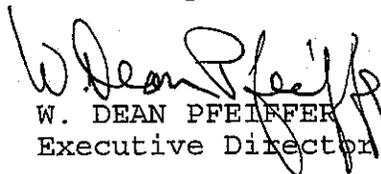
You enlisted in the Marine Corps and began a period of active duty on 13 March 1989 at age 18. You received nonjudicial punishment (NJP) on two occasions for failure to go to your appointed place of duty, failure to obey a general regulation and unauthorized absence (UA) from your unit for a period of four days. On 3 January 1991 you were convicted by special court-martial (SPCM) of dereliction in the performance of duty and using provoking speech. The sentence imposed was confinement for 155 days, a forfeiture of pay and a bad conduct discharge (BCD). The BCD was suspended for a period of 12 months. You remained on active duty until 19 March 1993 when you were discharged under general conditions at the expiration of your enlistment based on your disciplinary record and conduct mark average.

Characterization of service is based in part on your conduct average computed from marks assigned on a periodic basis. Your conduct mark average was 3.3. 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 and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two NJPs, a SPCM and failure to attain the required average in conduct. 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