



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

TJR
Docket No: 1479-12
27 November 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 20 November 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 31 January 1977 and immediately began a period of active duty. You served without disciplinary incident until 17 August 1977, when you received nonjudicial punishment (NJP) for losing your identification card.

On 6 November 1978 you received NJP for three periods of absence from your appointed place of duty. About four months later, on 23 March 1979 you received NJP for two periods of absence from your appointed place of duty and failure to go to your appointed place of duty. Shortly thereafter, on 23 July 1979 you received NJP for wrongful possession of two capsules of amphetamines. On 18 January 1980 you received your fifth NJP for failure to go to your appointed place of duty.

On 30 January 1981, at the expiration of your enlistment, you were discharged under honorable conditions. In this regard, 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 3.8. 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 desire to upgrade the characterization of your general discharge and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your repetitive misconduct, which resulted in five NJPs and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, Marines with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general 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,



BRIAN J. GEORGE
Head, Discharge Review Section