



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

CRS
Docket No: 1445-01
3 December 2001

[REDACTED]

Dear [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 28 November 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 February 1960 at age 17. The record reflects that you received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included unauthorized absences totalling three days, sleeping on post, and having a dirty and rusty weapon. On 5 March 1964 you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. Subsequently, you received a general discharge upon completion of your military obligation.

Character of service is based, in part, on one's conduct and proficiency averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.9. Minimum average marks of 4.0 in conduct and in proficiency were required for a fully honorable characterization of service at the time of your separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity

and the contention that a medical problem caused your misconduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge given your disciplinary action, and since your conduct and proficiency averages were insufficiently high to warrant a fully honorable discharge. In this regard, there is no evidence of any medical problem that could have contributed to your misconduct. 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