



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

ELP
Docket No. 3849-01
12 October 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 Navy Records, sitting in executive session, considered your application on 11 October 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 were inducted into the Marine Corps on 21 January 1952 for two years at age 19. The record reflects that you were advanced to PFC (E-3) and served for six months without incident. However, during the 14 month period from July 1952 to September 1953 you received two nonjudicial punishments (NJP) and were convicted by a special court-martial. Your offenses consisted of three periods of unauthorized absence (UA) totaling about 25 days. Thereafter, you served without further incident and received a general discharge on 20 January 1954.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were 3.52 and 5.5, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization of service at the time of your discharge.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, low test scores, and the fact that it has been more than 47 years since you were discharged. The Board noted your contention to the effect that you have been denied veterans' services because of your general discharge. However, you provide no evidence as to what veterans' services or benefits you have been denied. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of two NJPs, a special court-martial conviction, and your failure to achieve the required average in conduct. The fact you may have been denied certain veterans' services does not provide a valid basis for upgrading your discharge. The Board concluded that the discharge was proper and no change is warranted. 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