



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

WMP
Docket No: 0642-02
11 July 2002



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 10 July 2002. 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, 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.

You enlisted in the Marine Corps at age 17 on 29 December 1961 for four years. Your record reflects that you served without incident until 17 December 1962, when you received non-judicial punishment (NJP) for failure to be at your appointed place of duty. The punishment imposed was seven days of extra duty.

Your record further reflects that on 1 April 1963 you were convicted in civil court of failure to appear after signing a citation, and were fined \$5.25 and served one day in jail.

On 28 May 1963 you received NJP for failure to be at your appointed place of duty. The punishment imposed was 14 days of restriction. You again received NJP on 26 June 1963 for your failure to be at your appointed place of duty and received seven days of correctional custody. On 15 May 1964 you received NJP

for failure to obey a lawful order. The punishment imposed was a forfeiture of \$33 and 14 days of restriction.

Your record that you were an unauthorized absentee between 23 March 1965 and 1 April 1965, however, the record does not reflect that any action was taken for this period of unauthorized absence.

On 28 May 1965, you were convicted by special court-martial of an unauthorized absence from 3 to 28 April 1965. The punishment imposed was confinement at hard labor for three months, a forfeiture of \$70 per month for three months, and a reduction in rank to private (PVT) (E-1). On 2 July 1965, the convening authority approved a reduced sentence of confinement at hard labor of one month, a forfeiture of \$70 per month for one month, and reduction in rank to PVT. The convening authority suspended the remainder of the punishment imposed for a six month period from the completion of the confinement.

On 2 August 1966, you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. On 2 April 1968, upon completion of your military obligation, you received a general discharge.

Characterization of service is based, in part, on conduct and proficiency averages computed from periodically assigned marks. Your conduct average was 3.7. At the end of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

The Board concluded that your four NJP's, and conviction by special court-martial for an extended period of unauthorized absence clearly provided sufficient justification to warrant a your discharge under honorable conditions. The Board also noted your failure to attain the required average mark in conduct. The Board thus concluded that your 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