



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

TJR
Docket No: 1433-02
15 August 2002

[REDACTED]

[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 13 August 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, 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 October 1961 at the age of 19. On 10 May 1962, after undergoing a medical examination in which you complained of tension, insomnia, nightmares, enuresis, and increasing aggressive tendencies, you expressed doubt that you could satisfactorily complete your enlistment. At that time you were recommended for an administrative separation. Seven days later, on 17 May 1962, you received nonjudicial punishment (NJP) for a three day period of unauthorized absence and were awarded extra duty for a week. On 12 June 1962 you received NJP for a five day period of UA and were awarded restriction for two weeks.

Subsequently, you processed for an administrative separation action by reason of unsuitability. At that time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the separation. On 21 June 1962 the discharge authority directed a general discharge by reason of unsuitability, and on 25 June 1962, you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.5. 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 youth and immaturity and your contention that you believe that because of your physical condition, the characterization of your discharge should be fully honorable. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your misconduct, and since your conduct average was insufficiently high to warrant an fully honorable discharge. 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