



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

ELP
Docket No. 6307-01
8 February 2002

[REDACTED]
[REDACTED]
[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 6 February 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 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 14 November 1951 for three years at age 17. The record reflects that you were advanced to PFC (E-2) and served for only four months without incident. During the five month period from March to August 1952 you received two nonjudicial punishments (NJP) for a one day period of unauthorized absence and loss of your military identification card. However, you were subsequently advanced to CPL (E-4) and from February 1953 to April 1954 you served in South and Central Korea against enemy forces.

On 14 September 1954 you were convicted by summary court-martial of disrespect. You were sentenced to confinement at hard labor for 15 days, a forfeiture of \$40, and a reduction in rank to PFC (E-3). Thereafter, you served without further incident and on 13 November 1954 you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. You received a general discharge upon completion of your military obligation on 13 November 1959.

Character of service is based, in part, on conduct and proficiency average which are computed from marks assigned during periodic evaluations. Your final conduct and proficiency averages were 3.9 and 4.75, 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, combat service in Korea, and the fact that it has been more than 47 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of two NJPs, a summary court-martial conviction, and your failure to achieve the required average in conduct. You have provided neither probative evidence nor a convincing argument in support of your application. The Board 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