



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

TJR
Docket No: 7783-01
10 May 2002

[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 7 May 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.

The Board found you enlisted in the Marine Corps on 31 December 1964 at the age of 17. Your record reflects that during the period from 4 June to 23 October 1965 you received nonjudicial punishment (NJP) on three occasions for absence from your appointed place of duty, breach of the peace, making a false official statement, and a 13 day period of unauthorized absence (UA).

On 9 November 1966 you received NJP for disrespect and were awarded restriction for 14 days. On 1 March 1967 you received NJP for a two day period of UA and were awarded restriction for 15 days and a reduction to paygrade E-2.

Your record further reflects that on 9 February 1968 you received your sixth NJP for failure to go to your appointed place of duty and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 20 days.

On 10 October 1968, at the expiration of your enlistment, you were released from active duty under honorable conditions, and transferred to the Naval Reserve.

On 14 January 1971, upon completion of your obligated service, you were issued a general discharge.

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 2.9. An average of 3.0 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 were told that your discharge would be automatically upgraded upon completion of your inactive reserve duty. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded 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