



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

TJR  
Docket No: 9446-02  
14 August 2003



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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 12 August 2003. 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 1 December 1964 at age 21. You served for two years and seven months without disciplinary incident, but on 11 July 1967, you received nonjudicial punishment (NJP) for disorderly conduct and were awarded a reduction to paygrade E-3, which was suspended for six months. However, on 25 July 1967, this suspension was vacated due to your continued misconduct. Furthermore, on 31 July 1967, you received NJP for improper use of a fire extinguisher and communicating a threat. The punishment imposed was restriction for 14 days and a \$40 forfeiture of pay.

On 18 February 1968 you received your third NJP for an attempted theft of government property valued at \$60 and absence from your appointed place of duty. The punishment imposed was extra duty for 10 days and a \$40 forfeiture of pay.

On 19 November 1968 you were transferred to the Marine Corps Reserve under honorable conditions. On 18 November 1970, 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 3.93. An average of 4.0 in conduct was required at the time of your discharge 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 contentions that you served honorably for four years and that your proficiency and conduct marks were good enough for a promotion and should have been good enough for a honorable discharge. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted the three NJPs, and since your conduct average was insufficiently high to warrant an 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