



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

TJR
Docket No: 2437-02
18 October 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 16 October 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 Reserve on 16 March 1956 at the age of 17. On 24 September 1956 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and were awarded restriction for two weeks.

On 24 April and 12 August 1957 you received NJP for absence from your appointed place of duty and failure to obey a lawful order. On 16 April and again on 2 July 1958 you received NJP for two periods of unauthorized absence (UA) totalling eight days.

Subsequently, on 10 July 1958, you were released from active duty under honorable conditions. On 23 March 1962 you received 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 3.8. 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 your discharge should be upgraded because your infractions were of a relatively minor nature and did not interfere with the performance of your duties, and since your service was otherwise faithful. Nevertheless, 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 which resulted in five disciplinary actions, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. 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