



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

FC
Docket No: 09219-02
21 April 2003



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 April 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 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 3 October 1955 at age 18. On 19 June 1956, you received nonjudicial punishment (NJP) for disrespect and were awarded restriction. On 9 September 1956, you were convicted by summary court martial (SCM) of a two-day period of unauthorized absence, and were awarded hard labor without confinement, reduction to paygrade E-1, and a forfeiture in pay. On 18 February 1957, you received a second NJP for possession of alcoholic beverages, and were awarded restriction. On 4 June 1957, you received a third NJP for disorderly conduct, and were awarded reduction to paygrade E-1. On 5 October 1961, you were released from active duty under honorable conditions.

Character of service is determined, in part, by conduct and proficiency trait averages, computed from marks assigned on a periodic basis. Your conduct and proficiency averages were 3.6 and 3.7, respectively. Conduct and proficiency averages of 4.0 and 3.8 were required for a fully honorable characterization of service at the time of your service.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization given your misconduct that resulted in three NJPs and one SCM. The Board also noted your failure to attain the required averages in conduct and proficiency. 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