



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

BJG
Docket No: 10390-09
30 June 2010



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 29 June 2010. 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 entered active duty in the Marine Corps on 23 January 1978. You received nonjudicial punishment (NJP) on 12 occasions for absence from your appointed place of duty (six specifications), disobeying a lawful order (two specifications), sleeping on post, unauthorized absence (four specifications totaling 16 days), using profanity in a public place, conduct unbecoming a Marine, and assault. On 26 January 1981, you received a general

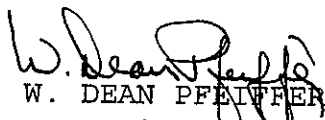
discharge at the end of your active obligated service, and were assigned an RE-4 reenlistment code.

Characterization of service is based in part on conduct and proficiency marks which are assigned on a periodic basis. Your conduct mark average was 3.1. At the time of your separation, a 4.0 conduct mark average was required for a fully honorable discharge.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. The Board concluded that your general discharge should not be changed due to your numerous acts of misconduct and insufficiently high conduct mark average. Finally, the Board found that you were fortunate to have received a general discharge, because Marines normally receive a characterization under other than honorable conditions when they have committed misconduct. In view of the above, 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