



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 12520-11  
4 October 2012

[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 2 October 2012. The names and votes of the members of the panel will be furnished upon request. 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 reenlisted in the Marine Corps on 31 December 1974. You served without disciplinary incident until 8 April 1975, when you received nonjudicial punishment (NJP) for a 57 day period of unauthorized absence (UA). Shortly thereafter, on 1 June 1975, you received NJP for a four day period of UA.


It appears that you were referred to a medical board for an evaluation to determine your fitness for duty, diagnosed with a physical disability that existed prior to your enlistment, specifically, chondromalacia patellae, and recommended for an administrative separation. Subsequently, you were processed for an administrative separation by reason of convenience of the government due to your diagnosed physical disability. The discharge authority directed discharge under honorable conditions, and on 23 January 1976, you were issued a general discharge and were assigned an RE-3P reenlistment code.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.9. 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, prior satisfactory service, and desire to upgrade the characterization of your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your frequent misconduct and lengthy period of UA which resulted in three NJPs, the documented evidence of your physical disability which rendered you unsuitable for further service, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Accordingly, your application has been denied.

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