



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

TJR
Docket No: 12563-11
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 3 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 enlisted in the Marine Corps on 30 September 1971 at age 19 and immediately began a period of active duty. The following month, on 18 October 1971, you received nonjudicial punishment (NJP) for failure to obey a lawful order. Shortly thereafter, on 14 February and again on 20 April 1972, you received NJP for disobedience, drunk and disorderly conduct, absence from your appointed place of duty, and failure to go to your appointed place of duty.

It appears that in January 1973 you were referred to a medical board for an evaluation to determine your fitness for duty, diagnosed with a medical condition that existed prior to your enlistment, specifically, psuedofolliculitis, a condition that was nonresponsive to treatment. At that time you were also recommended for an administrative separation. However, during

the period from 11 July to 6 September 1973, you received three more NJPs for a one day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, using provoking words, disobedience, and failure to obey a lawful order. You were also in a UA status for a three day period from 27 to 30 September 1973, but the record does not reflect the disciplinary action taken, if any, for this misconduct.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to your diagnosed medical condition which was nonresponsive to treatment. On 4 March 1974 the discharge authority directed discharge under honorable conditions. However, prior to being separated, you received your seventh NJP on 4 April 1974 for wrongful appropriation of a 1974 Pinto automobile valued at \$3,000 and a 10 day period of UA. Nonetheless, on 31 May 1974, you were issued a general discharge by reason of convenience of the government.

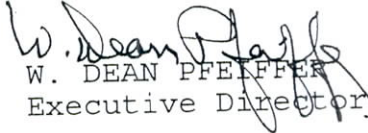
Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.6. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge. It also considered your assertions that you received a Good Conduct Medal and that there is discriminating remarks reflected on your Certificate of Release or Discharge from Active Duty (DD Form 214). Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and frequent misconduct which resulted in seven NJPs, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, the notation on your DD Form 214 does not show that you received a Good Conduct Medal, but only sets forth the starting date for the next period of the award. Finally, Marines with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions. With that being said, the Board concluded that you were fortunate to have received a general 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