



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

█
Docket No: 7240-19
Ref: Signature Date

█
█
█
Dear █

This is in reference to your application for correction of your husband's naval record pursuant to Title 10, United States Code, Section 1552. The Board extends its sincere condolences to you on the loss of your husband. After careful and conscientious consideration of the entire record however, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application after the period in which timely applications can be filed, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 October 2020. 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, relevant portions of your husband's naval record and applicable statutes, regulations and policies.

Your husband enlisted in the Marine Corps and began a period of active duty on 25 August 1953. During the period from 4 January 1954 to 9 May 1955, he received six nonjudicial punishments (NJPs) for failing to salute colors, disorderly conduct, three periods of unauthorized absence, pawning government property, and permitting government property to get into the possession of a foreign national. On 23 August 1955, he was convicted by summary court-martial (SCM) of disobeying a lawful order. On 9 October 1956, he received NJP for striking another servicemember. On 9 August 1957, he was notified that he was not eligible for reenlistment due to his failure to maintain an average conduct mark of 4.0 or better during his enlistment. On 24 August 1957, your husband was released from active duty at the expiration of his enlistment. He was transferred to the Marine Corps Reserve with an obligation of service until 24 August 1961. On 24 August 1961, he was discharged from the Marine Corps Reserve with a general characterization of service.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your husband's conduct average was less than 4.0, which, at the time of your husband's service, was

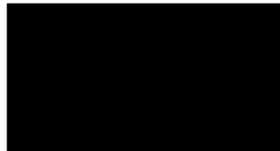
required for a fully honorable characterization of service.

The Board carefully weighed all potentially mitigating factors, such as your husband's record of service, and desire to have his characterization of service upgraded to honorable. Additionally, the Board considered that he had a hard childhood, enjoyed his years in the Marine Corps, and it made him the man that you married. However, the Board concluded that these factors were not sufficient to warrant a change to his characterization of service, given the misconduct outlined in your husband's service record and his final conduct average.

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 matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/18/2020

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.