



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 8162-98

24 September 1999

[REDACTED]

Dear [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 22 September 1999. 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 7 September 1972 for three years at age 20. The record reflects that you served for ten months without incident. However, during the 26 month period from July 1973 to September 1975 you received seven nonjudicial punishments and were convicted by a special court-martial. Your offenses consisted of three instances of failure to obey a lawful order, disobedience, two instances of disrespect, four instances of failure to go to your appointed place of duty, and four periods of UA totalling about 27 days.

You were released from active duty under honorable conditions and transferred to the Naval Reserve on 3 October 1975. You received a general discharge upon completion of your military obligation on 1 December 1977.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency

averages were 3.6 and 3.8, respectively. At the time of your service, a minimum average mark in conduct of 4.0 was required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education and the fact that it has been 24 years since you were discharged. The Board noted your contention that you should have received a fully honorable discharge. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of seven NJPs, a special court-martial conviction, and your failure to achieve the required average in conduct. The Board believed that you were extremely fortunate that you were allowed to complete your enlistment since most individuals with records such as yours are processed for separation under other than honorable conditions. The Board concluded that you were guilty of too much misconduct during your three years of service to warrant a fully honorable discharge. 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

Copy to:  
The American Legion