



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

TJR  
Docket No: 7844-01  
15 May 2002

[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 14 May 2002. 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 24 March 1960 at the age of 18. Your record reflects that on 23 January 1961 you were convicted by summary court-martial (SCM) of sleeping on post and were sentenced to confinement at hard labor for 30 days, a \$40 forfeiture of pay, and a reduction to paygrade E-1. On 27 December 1962 you were convicted by SCM of damaging government property and wrongful appropriation of a Jeep valued at \$5,830. You were sentenced to a \$45 forfeiture of pay and a suspended reduction to paygrade E-2.

Your record also reflects that on 11 January and again on 25 July 1963 you received nonjudicial punishment (NJP) for failure to obey a lawful order and absence from your appointed place of duty.

On 14 April 1964 you were released from active duty and transferred to the Marine Corps Reserve under honorable conditions. On 17 April 1966, upon completion of your obligated military service, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.8. 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 immaturity and post service conduct. It also considered your contention that it has been over 30 years since you were discharged and that you would like your youthful indiscretions set aside and your discharge upgraded to honorable. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct which resulted in four NJPs and two court-martial convictions, and because your conduct average was insufficiently high to warrant a fully honorable characterization of service. 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