



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

TRG
Docket No: 1385-99
21 July 1999



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 20 July 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 21 April 1954 at age 17. On 4 November 1954 you received nonjudicial punishment for assault. On 20 April 1957 you were released from active duty with your service characterized as honorable. At that time, the average of all your evaluations in conduct was 4.0.

On 24 July 1957 you joined a reserve unit. Subsequently, you were assigned adverse marks of 3.5 on two occasions. You transferred to the Individual Ready Reserve on 5 March 1958 and had no further participation in the Marine Corps Reserve. You were issued a general discharge on 20 April 1962 at the end of your military obligation.

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, for your active duty and reserve service, were 3.9 and 3.6, respectively. A minimum average mark of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and contention, in effect, that you should have an honorable discharge because the DD Form 214 shows that the character of your service was honorable. The Board found that these factors and contentions were not sufficient to warrant recharacterization of the general discharge given your failure to achieve the required average mark in conduct. As indicated, a 4.0 average in conduct allowed your service to be characterized as honorable on release from active duty. However, the subsequent adverse marks while you were in the Marine Corps Reserve reduced the average below the required 4.0. The Board concluded that the discharge was proper as issued and no change is warranted.

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