



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

TJR
Docket No: 1967-00
31 August 2000

[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 29 August 2000. 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.

The Board found you enlisted in the Marine Corps on 6 August 1976 at the age of 17. Your record reflects that you served for a year without disciplinary incident but on 1 September 1977 you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). The punishment imposed was forfeitures totalling \$97 and restriction and extra duty for 14 days. The restriction and extra duty were suspended for six months. Shortly thereafter, on 7 October 1977, you received NJP for failure to obey lawful order. The punishment imposed was a \$103 forfeiture of pay and restriction for 14 days. On 23 December 1977 you received your third NJP for two periods of UA totalling 30 days. The punishment imposed was forfeitures totalling \$396, correctional custody for 30 days, and reduction to paygrade E-1.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to low proficiency and conduct averages. The discharge authority directed your

commanding officer to issue you a general discharge under honorable conditions by reason of unsuitability, and on 3 January 1978 you were so discharged.

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 3.8. 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 your contentions that you would like your discharge upgraded and to be reinstated in paygrade E-3. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or reinstatement in paygrade E-3 given your frequent misconduct, and since your conduct average was insufficiently high to warrant a fully honorable discharge. Given all the circumstances of your case, the Board concluded your discharge and paygrade were 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