



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2060-00

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 13 January 1956 at the age of 18. Your record reflects that on 3 May 1956 you received nonjudicial punishment (NJP) for unauthorized possession of a liberty card and were awarded restriction for two weeks. On 18 December 1956 you were convicted by summary court-martial (SCM) of disrespect. You were sentenced to reduction to paygrade E-1, confinement at hard labor for 15 days, and a \$25 forfeiture of pay.

Your record further reflects that during the period from 29 January to 25 July 1957 you received NJP on six occasions for two periods of absence from your appointed place of duty, three incidents of failure to obey a lawful order, and failure to go to your appointed place of duty.

On 3 January 1959 you received NJP for failure to go to your appointed place of duty. The punishment imposed was reduction to paygrade E-1, which was suspended for three months. Shortly thereafter, on 27 February 1959, you were convicted by SCM of

absence from your appointed place of duty and were sentenced to hard labor for 35 days. Subsequently, on 4 March 1959, the suspended punishment awarded at the 3 January 1959 NJP was vacated due to your continued misconduct. On 11 December 1959 you received your ninth NJP for failure to obey a lawful order. The punishment imposed was restriction for two weeks.

On 27 January 1960, at the expiration of your enlistment, you were released from active duty under honorable conditions. Upon completion of your military obligation, 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 3.5. 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 contention that you would like your discharge upgraded to fully honorable. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given your frequent misconduct, which resulted in nine NJPs and two court-martial convictions, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper 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