



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2203-00

20 September 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 6 September 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 26 June 1980 at the age of 17.

Your record reflects that you served without disciplinary incident until 10 July 1982 when you received nonjudicial punishment (NJP) for three periods of unauthorized absence (UA) totalling 26 days. The punishment imposed was a \$500 forfeiture of pay, reduction to paygrade E-3, and restriction and extra duty for 30 days. On 21 July 1982, following a psychiatric evaluation, you were diagnosed with a personality disorder. Two days later, on 23 July 1980, you received NJP for breaking restriction and were awarded a reduction in rate.

Subsequently, you were notified of pending administrative separation in accordance with the Marine Corps Expeditious Discharge Program. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the discharge. The discharge authority directed your commanding officer to issue you a general discharge, and on 11 August 1982 you were so discharged.

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 3.7. 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, good post service conduct, and your contention that your service was honorable until there was a death at home. The Board also considered your request to re-characterize your discharge to fully honorable. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the serious nature of your misconduct, and since your conduct average was insufficiently high to warrant an honorable discharge. Further, no discharge is upgraded merely because of the passage of time. 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