



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

TRG
Docket No: 2223-01
16 August 2001

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 14 August 2001. 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 Reserve on 26 January 1979 at age 19. At that time, you agreed to remain in a drilling status for four years. The record shows that you reported to active duty on 20 April 1979 and completed recruit training on 12 July 1979. You were then carried in a legal hold status until 14 August 1979 and were released from active duty on 7 September 1979 with your active service characterized as honorable. Your military occupational specialty (MOS) was indicated to be heavy vehicle operator.

The record shows that you never attended any drills after your release from active duty. However, for some reason, no action was taken on your case until 15 December 1982. On that date, the discharge authority directed your transfer to the Individual Ready Reserve (IRR) because of misconduct due to shirking. Your transfer to the IRR became effective on 8 January 1983. During the period you were not drilling, you were assigned low marks in conduct and proficiency. No action to discharge you due to non-participation was taken while you were in the IRR. You were issued a general discharge on 25 January 1985 at the expiration of your enlistment.

Character of service is based, in part on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct mark average was 0.8. 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 the contention, in effect, that the Marine Corps improperly placed you on legal hold and you did not receive your MOS. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your general discharge given your failure to comply with the agreement to attend drills. There is no documentation in the record to show why you were placed on legal hold, however, it appears that the issue was resolved and you then completed MOS training to be a heavy vehicle operator. Given your failure to attend drills, the Board believed that you were fortunate to receive a general discharge. The Board concluded that the general 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