



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

ELP  
Docket No. 6258-00  
26 February 2001

[REDACTED] R  
[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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 22 February 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 on 3 February 1948 for three years. The record reflects that you were advanced to PFC (E-2) and served without incident until 21 July 1948 when you were convicted by summary court-martial of two periods of unauthorized absence (UA) totalling about 16 days and failure to obey a lawful regulation by exceeding the 300-mile limit on liberty. You were sentenced to 40 days of confinement and forfeitures of \$45 pay per month for three months.

During the 19-month period from February 1949 to October 1951 you received three nonjudicial punishments (NJP) and were convicted by a deck court. Your offenses consisted of disrespect, two periods of UA totalling about eight days, and having a dirty rifle and an unsecured locker. During this period, you were also advanced to CPL (E-4) and your enlistment was involuntarily extended for a period of 12 months.

The DD Form 214 in the shows that you were honorably discharged on 2 February 1952 by reason of expiration of enlistment. However, you were issued a general discharge certificate.

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 were 3.4 and 5.7, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization at the time of your discharge.

In its review of your application the Board conducted a careful search of your service record any mitigating factors which might warrant changing your general discharge to fully honorable. However, no justification for such a change could be found. The Board noted your contention that you were never informed that you were being issued a general discharge and your belief that it was issued because of your going UA. The Board concluded that your contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPs, convictions by a deck court and a summary court-martial, and failure to received the require average in conduct. Although the DD Form 214 erroneously shows you were discharged honorably rather than under honorable conditions, you were properly issued a general discharge certificate. The fact that the DD Form 214 is erroneous does not provide a compelling reason for changing the discharge certificate. The Board thus concluded that that the issuance of a general discharge certificate 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