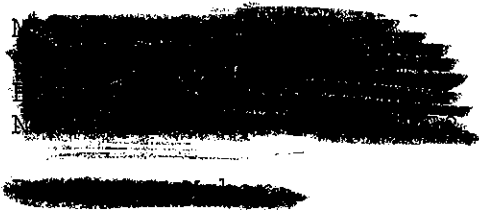




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2468-09
13 August 2009



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 11 August 2009. The names and votes of the members of the panel will be furnished upon request. 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.

You enlisted in the Marine Corps on 6 October 1966 at age 19 and served for two years without disciplinary incident. However, during the period from 31 October to 11 November 1968 you received nonjudicial punishment (NJP) on three occasions for being incapacitated for duty due to intoxication, failure to go to your appointed place of duty, and losing government property, specifically, a pistol valued at \$49.

During the period from 7 August to 1 October 1969 you received three more NJPs for a two day period of unauthorized absence (UA), breaking restriction, and negligence due to failure to clean your rifle.


On 20 November 1969 you began a period of UA that was not terminated until 20 January 1970. During this period you were also declared a deserter. Subsequently, you were processed for an administrative separation by reason of convenience of the government. However, on 9 February 1970, prior to your discharge, you received your seventh NJP for the foregoing period of UA totalling 62 days. Nonetheless, the discharge authority directed separation under honorable conditions by reason of convenience of the government and on 19 February 1970 you were issued a general discharge.

At the time of your separation character of service was based, in part, on conduct and proficiency averages which were 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 desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in seven NJPs and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, individuals discharged with a disciplinary record of seven NJPs would normally receive an other than honorable discharge, and as such you were fortunate to receive a general discharge. Accordingly, your application has been denied.

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