



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

TJR
Docket No: 1433-10
26 October 2010

[REDACTED]

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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 20 October 2010. 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 14 September 1967 at age 17. About seven months later, on 22 April 1968, you were convicted by summary court-martial (SCM) of a 68 day period of unauthorized absence (UA).

On 6 January 1969 you were convicted by special court-martial (SPCM) of a 154 day period of UA. On 29 February 1969 you began another period of UA that was not terminated until 24 March 1969 when you were apprehended by civil authorities. On 19 October 1969 you were again in a UA status until apprehended and confined by civil authorities on charges of traffic violations. As a result, on 21 October 1969, you were convicted by civil authorities of drunk driving and leaving the scene of an accident. Five months later, on 13 March 1970, you received nonjudicial punishment (NJP) for a 147 day period of UA.

On 3 August 1971 you were again convicted by SCM of an eight day period of UA, and on 10 February 1972, you received your second NJP for a two day period of UA and failure to obey a lawful order.


On 20 April 1973, upon completion of your required active service, you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. On 20 March 1975, at the expiration of your enlistment, you were issued a general discharge.

At the time of your release from active duty and discharge, 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 3.4, however, an average of 4.0 in conduct was required 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 change the characterization of 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 two NJPs, three courts-martial, conviction by civil authorities, several lengthy and frequent periods of UA from the Marine Corps totalling more than 400 days, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, the Board concluded that you were fortunate to have received a discharge under honorable conditions with having such an extensive record of misconduct. 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