



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

TJR
Docket No: 11259-10
4 August 2011

[REDACTED]

[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 2 August 2011. 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 21 August 1956 at age 17 and served for two years and three months without disciplinary incident. However, on 12 November and 8 December 1958 you received nonjudicial punishment (NJP) for failure to obey a lawful order and absence from your appointed place of duty.

During the period from 2 to 28 February 1959 you received NJP on three more occasions for two specifications of disobedience, contempt, and failure to obey a lawful order. You received your fifth NJP on 29 December 1959 for absence from your appointed place of duty.

On 2 and 24 March 1960 you received NJP for absence from your appointed place of duty, drunk and disorderly conduct, and being in possession of another Marine's liberty card. Shortly thereafter, on 12 April 1960, you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and sentenced to hard labor for 21 days and reduction to paygrade E-1.


Subsequently, you were processed for an administrative separation by reason of convenience of the government. The discharge authority directed discharge under honorable conditions. At that time you were not recommended for retention or reenlistment. On 19 August 1960, while serving in paygrade E-1, you were issued a general discharge and assigned an RE-4 reenlistment code.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.4. 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 the characterization of your general discharge. It also considered your assertions that you only received two or three office hours for returning to the base late, and that you were never convicted by court-martial. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of your frequent misconduct which resulted in eight NJPs and a SCM, and since your conduct average was insufficiently high to warrant an honorable discharge. Finally, the Board noted that Marines with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such concluded that you were fortunate to have received a general characterization of service. Finally, there is documented evidence in the record that is contrary to your assertion. 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