



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

TJR  
Docket No: 11679-10  
25 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 23 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 5 February 1975 at age 18 and served for about eight months without disciplinary incident. However, during the period from 23 October 1975 to 26 November 1976 you received nonjudicial punishment (NJP) on five occasions for unauthorized possession of an identification card, two periods of absence from your appointed place of duty, breaking restriction, and failure to obey a lawful order.

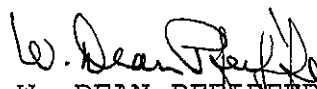
On 22 March and again on 12 April 1977 you received NJP for failure to go to your appointed place of duty and two specifications of breaking restriction. Shortly thereafter, on 24 June 1977, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities as evidenced by

your record of NJPs and formal counselling. On 22 July 1977 the discharge authority approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 22 August 1977, you were so discharged.

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. It also considered your assertion of being awarded a Good Conduct Medal. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in seven NJPs. Finally, regulations in effect at the time of your period of service state that a Marine must serve on active duty without disciplinary incident for no less than 36 months to be awarded a Good Conduct Medal. In this regard, the notation on your Certificate of Discharge or Release from Active Duty (DD Form 214), does not reflect that you "received" a Good Conduct Medal, but only sets forth the starting date for the next period for the award. 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