



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

BJG
Docket No: 838-11
19 October 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 18 October 2011. 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.

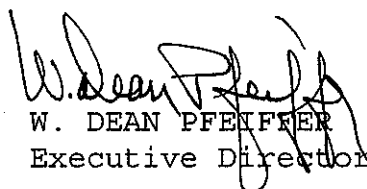
You enlisted in the Marine Corps and entered active duty on 22 August 1958. You received nonjudicial punishment on four occasions, were convicted by civil authorities on four occasions, and were convicted by three summary courts-martial. Your offenses included failure to obey a lawful order, drunk and disorderly conduct, unauthorized absence (three specifications totaling nine days), disobeying a lawful order (two specifications), disorderly conduct (two specifications, provoking a fight, reckless driving, interfering with the duties of a police officer, speeding with a government vehicle,

failure to go to your appointed place of duty, assault, and disrespect. On 1 December 1962, you completed your active obligated service and were transferred to the reserve component under general conditions based on your service record in pay grade E-1.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, immaturity, and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed because of your numerous acts of misconduct. The Board noted that you were fortunate to receive a general discharge, since an individual who has committed misconduct such as yours normally receives an other than honorable characterization of service. You are advised that no discharge is automatically upgraded due merely to the passage of time or post service good conduct. In view of the above, 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 PFENFFER
Executive Director