



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

JRE
Docket No: 2643-99
12 June 2000

[REDACTED]

Dear [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 25 May 2000. 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.

The Board found that you enlisted in the Marine Corps on 29 May 1976 for four years. You received nonjudicial punishment on six occasions, and were convicted by two summary courts-martial and one special court-martial. You underwent a pre-separation physical examination on 26 May 1981, and were found physically qualified for service. You did not report any conditions you felt rendered you unfit for duty at that time. You were discharged under other than honorable conditions on 12 June 1981, pursuant to your request for discharge for the good of the service in lieu of trial by court-martial for an absence without authority of 113 days duration.

The Board was not persuaded that you were unfit by reason of physical disability at the time of your discharge from the Marine Corps. In addition, it noted that even if you had been questionably unfit for duty, you would not have been entitled to disability evaluation processing, because your request for discharge in lieu of trial by court-martial would have taken precedence over such processing. Accordingly, 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 PFEIFFER
Executive Director