



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

JRE  
Docket No: 6322-01  
21 May 2002



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 16 May 2002. 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 reenlisted in the Marine Corps on 3 December 1965 in the rank of sergeant. You were absent without authority on multiple occasions during that enlistment, and ultimately reduced to the rank of private as a result of convictions by summary and special courts-martial, and a nonjudicial punishment pursuant to the provisions of Article 15, Uniform Code of Military Justice. You were discharged on 28 February 1969 by reason of hardship. On 30 September 1982, the Board directed that your record be corrected to show that you were retired by reason of physical disability effective 1 March 1969, with a 50% rating for a depressive reaction, and 0% ratings for five other conditions. Your record was corrected by the Commandant of the Marine Corps on 13 October 1982.

Although your record shows that you suffered from a significant depressive disorder prior to your discharge from the Marine Corps, there is no indication in the available records that you lacked mental responsibility at the times of the commission of the offenses which resulted in your reductions in grade. The Board was not persuaded that your misconduct should be excused, or that your record should be corrected to show that you were retired in

a grade higher than private. 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