



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

CRS
Docket No: 1973-07
6 May 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your husband's 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 April 2008. 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 husband's 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 your husband enlisted in the Marine Corps on 15 February 1963. He received twelve nonjudicial punishments and was convicted by a summary court-martial and two special courts-martial. The offenses included unauthorized absences totaling 58 days, disrespect, failure to obey a lawful order, having live ammunition in his locker, failure to pay just debts, stealing a pair of boots, disobedience of a lawful order, having an unclear rifle, absent from appointed place of duty, and sleeping on post.

On 7 November 1966 his commanding officer recommended that he be separated with an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. When informed of the recommendation, he elected to waive the right to present his case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 4 April 1967 he received an undesirable discharge.

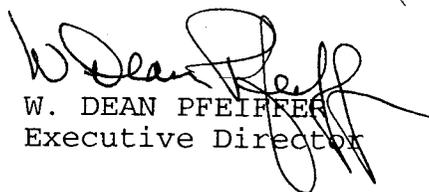
On 6 June 1977 the Naval Discharge Review Board (NDRB) recharacterized his discharge to general under the provisions of the Special Discharge Review Program. However, on 26 May 1978 NDRB declined to conform the general discharge under its uniform

discharge review standards, thereby denying him eligibility for veterans benefits.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your husband's service in a war zone, and the contention that posttraumatic stress disorder (PTSD) caused his misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of his discharge, given the number and severity of his offenses. Further, there is no evidence in the record, and you have submitted none, to show that he suffered from PTSD while in the Marine Corps. In addition, even if he did have symptoms of PTSD during his period of active duty, there is no indication in his record that he did not know right from wrong and was unable to adhere to the right, or that symptoms of a mental disorder caused him to commit violations of the Uniform Code of Military Justice. 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