



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

JRE  
Docket No. 07903-07  
1 July 2008



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 19 June 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 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.

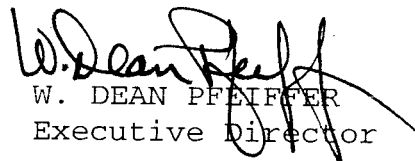
The Board found that you served on active duty in the Marine Corps from 30 July 1965 to 9 January 1970, when you were separated from the service with an undesirable discharge by reason of your conviction by civil authorities of murder.

The Board could not find any indication in you naval record that you were unfit for further service by reason of physical disability, which is a prerequisite to the disability separation or retirement of a service member. The Board noted that even if you had been unfit for duty, you would not have been entitled to

disability separation or retirement, because your discharge by reason of conviction by civil authorities would have taken precedence over disability evaluation processing. The Board concluded that given the very serious nature of your civilian offense, it would not be in the interest of justice for it to upgrade your discharge, notwithstanding your contentions concerning your youth, record of service prior to the murder, exposure to combat trauma, and good civilian record. 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