



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

CRS
Docket No: 9917-07
29 July 2008

[REDACTED]

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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 July 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 enlisted in the Marine Corps on 7 September 1967. You received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included violation of a lawful general order, failure to obey a lawful order, sleeping on post, damaging a military vehicle, and failure to go to appointed place of duty. On 21 April you received a fifth nonjudicial punishment for an unauthorized absence of ten days. The imposed punishment was forfeiture of \$75 and reduction in rank from lance corporal to private first class. On 30 September 1970 you were released from active duty and transferred to the Marine Corps Reserve with a characterization of service of under honorable conditions. On 25 May 1973 you received a general discharge by reason of expiration of term of service.

The Board did not accept your unsubstantiated contention to the effect that your misconduct was caused by or related to the effects of undiagnosed posttraumatic stress disorder (PTSD). It concluded that your service was properly characterized as under honorable conditions in view of your extensive disciplinary record, and that you have not demonstrated that it would be in

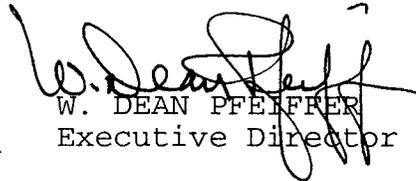
the interest of justice for the Board to upgrade your discharge to fully honorable.

With regard to the nonjudicial punishment you received on 21 April 1970, the Board concluded that the evidence supports the commanding officer's determination that you committed the offense.

In view of the foregoing, 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