



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

JRE
Docket No. 10131-07
19 August 2008

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 August 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 28 December 1976 to 4 October 1978, when you were discharged under other than honorable conditions, pursuant to your request for discharge for the good of the service in lieu of trial by court-martial for the offense of unauthorized absence from 20 January 1978 to 15 July 1978.

The Board could not find any indication in your record that you were unfit for duty by reason of physical disability at the time of your discharge. It noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty, because your discharge for the good of the service would have taken precedence over and precluded disability evaluation processing. In addition, the Board was not persuaded that it would be in the interest of justice for it to upgrade your discharge to general or honorable, given the serious nature of your offense, and the absence of significant matters in extenuation or mitigation thereof. 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