



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

CRS
Docket No: 1860-08
26 May 2009

[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 20 May 2009. 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 1 February 1983. You received nonjudicial punishment and were convicted by a summary court-martial for offenses that included a period of unauthorized absence and failure to go to appointed place of duty. On 16 November 1983 you were convicted by civil authorities of speeding. The court sentenced you to a fine of \$20.00. On 12 January 1984 you received a second nonjudicial punishment for an unauthorized absence and destroying a lock.

On 27 March 1984 your commanding officer recommended that you be separated from the Marine Corps by reason of misconduct/pattern of misconduct, with a discharge under other than honorable conditions. After being informed of the recommendation, you waived the right to present your case to an administrative discharge board. The recommendation was approved by the separation authority, and you were discharged on 10 May 1984 with a discharge under other than honorable conditions.

The Board carefully considered your contention to the effect that you suffered from posttraumatic stress disorder (PTSD), and that the PTSD caused you to commit the misconduct which resulted in your discharge. The Board found your contention insufficient to warrant upgrading your discharge, as there is no credible

evidence that you suffered from PTSD prior to your discharge, or that your misconduct was related to the effects of undiagnosed PTSD. In addition, even if you did have symptoms of PTSD at the time in question, there is no indication in the available records that you lacked mental responsibility, or that you were unfit for service by reason of physical disability. 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