



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

SMS
Docket No: 2599-08
20 November 2008

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 November 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.

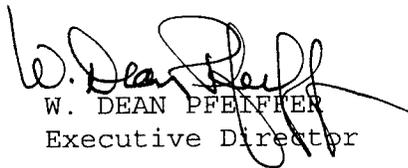
On 12 April 1965, you enlisted in the Marine Corps at age 17 with parental consent and were assigned to Platoon 120. On 7 May 1965, you were assigned to the Physical Training Unit, and then to Platoon 131. On 17 June 1965, you were removed from Platoon 131 because of disobedience of an order and assigned to the Casual Battalion. On 1 July 1965, your commanding officer initiated administrative separation by reason of unsuitability and recommended a general discharge due to your uncooperative attitude and lack of motivation. On 6 July 1965, a medical evaluation stated that your initial psychiatric screening indicated that you appeared to be passive aggressive and further stated that you had a history of passive and aggressive reaction. The evaluation concluded by recommending discharge. On 6 July 1965, you made a personal appearance before a Depot Aptitude Board (DAB) during which you acknowledged that you understood why you were before the DAB and refused to answer or ignored most of the questions. The DAB recommended a general discharge by reason of unsuitability because of your unwillingness to return to training and failure to apply yourself to the best of your ability. On 9 July 1965, you were separated with a general discharge by reason of unsuitability.

Characterization of service is determined by a service member's conduct, actions, performance of duty, and proficiency and conduct marks assigned on a periodic basis. Minimum acceptable proficiency and conduct marks of 3.8 and 4.0, respectively, were required to form the basis for a fully honorable characterization of service. Although there are no proficiency and conduct marks currently contained in the record, it appears that your commanding officer and DAB found that your service warranted a general characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and honorable period of service in the Army. The Board also considered your contention of being abused by a drill instructor. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your performance at recruit training and the DAB's determination that your service warranted a general characterization of service. Regarding your contention, there is no evidence in the record to support it and the news article that you provided does not apply to your case. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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