



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

CRS
Docket No: 3665-08
25 March 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 29 January 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 enlisted in the Marine Corps on 17 November 1965. Between 21 June 1966 and 18 June 1969 you received nonjudicial punishment and were convicted by two special courts-martial for offenses that included unauthorized absences totaling 194 days. Thereafter, you were absent without authority from 16 July to 10 December 1969, and from 22 December 1969 until you returned on 15 June 1970.

On 10 September 1970 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 6 November 1970 with an undesirable discharge.

In its review of your application, the Board carefully considered your contentions concerning current discharge standards, your record of service apart from your offenses, use of alcohol, psychiatric problems, adjustment difficulties and the possibility that you were suffering from posttraumatic stress disorder. The Board concluded that the positive aspects of your service were

outweighed by your repeated acts of misconduct. It was not persuaded your misconduct was related to posttraumatic stress disorder, alcohol abuse or any other mental disorder. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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