



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

CRS
Docket No: 4688-08
26 September 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 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. The Board also considered the enclosed advisory opinion from Headquarters Marine Corps dated 5 June 2008, a copy of which is attached.

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 31 May 1967. You received nonjudicial punishment (NJP) on 14 November 1967 for a brief period of unauthorized absence. You arrived in Vietnam on 8 May 1968. You received NJP on five occasions between that date and 12 December 1969, when you departed Vietnam. You received your seventh NJP on 31 March 1970 following your return from Vietnam. On 30 April 1970 you received a general discharge by reason of expiration of term of service.

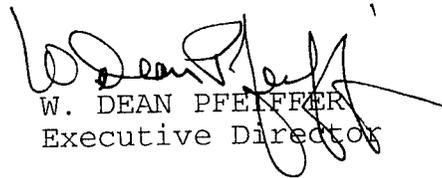
The Board found that you received a general discharge because your conduct mark average of 3.93 was below the 4.0 minimum required for an honorable discharge. The Board carefully considered your contention to the effect that your misconduct was related to a combat-induced mental disorder, but found it insufficient to warrant granting you a fully honorable discharge.

The Board substantially concurred with the comments in the advisory opinion concerning your entitlement to military awards.

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 PFEEFER
Executive Director

