



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

JRE
Docket No. 06250-08
11 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 23 April 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.

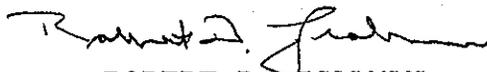
The Board found that you served on active duty in the Marine Corps from 17 April 1980 to 20 August 1984, when you were honorably released from active duty and transferred to the Marine Corps Reserve. You reenlisted in the Marine Corps on 1 May 1985. On 10 March 1989, you underwent a pre-separation physical examination and were found qualified for duty. You did not report any significant medical conditions or defects at that time, and the physician who examined you did not record any disqualifying conditions. You were separated from the Marine

Corps with a bad conduct discharge on 8 May 1990, pursuant to the approved sentence of a special court-martial which convicted you of numerous offenses, to include wrongful use of illegal drugs, multiple unauthorized absence offenses, violations of orders and disrespect to superior commissioned and noncommissioned officers.

The Board concluded that there is no credible evidence that you were suffering from posttraumatic stress disorder prior to your bad conduct discharge from the Marine Corps. It noted that you did not report symptoms of a mental disorder when you applied for reenlistment in 1985, or during your pre-separation physical examination in 1989. In addition, the Board was not persuaded that your misconduct was caused by, related to, or extenuated or mitigated by an undiagnosed 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,



ROBERT D. ZSALMAN
Acting Executive Director