



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

TJR
Docket No: 9527-08
19 August 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 August 2009. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 29 April 1977 at age 18. About nine months later, on 4 January 1978, you were referred for a psychiatric evaluation because of a situational maladjustment problem as evidenced by repeated psychiatric evaluation visits for vague and nonspecific complaints. You reported that you wanted out of the Marine Corps, but were afraid to discuss your desires because of the possible consequences. You were subsequently diagnosed with a situational personality disorder and recommended for administrative counselling.

You served without disciplinary incident until 21 August 1978, when you received nonjudicial punishment (NJP) for a 23 day period of unauthorized absence (UA). The punishment imposed was extra duty and restriction for 60 days and a \$440 forfeiture of pay.

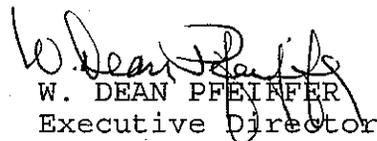
During the period from 3 to 5 January 1979 you were again in a UA status. However, the record does not reflect the disciplinary action taken, if any, for this misconduct. On 9 July 1979 you were referred for a psychiatric evaluation after being in a UA status on three occasions. Again you reported that you wanted out of the Marine Corps and that you could not stay out of trouble. You also continued to perform badly and were recommended for an administrative separation. At that time you were diagnosed with a longstanding significant personality disorder. Shortly thereafter, on 23 July 1979, you received NJP for a 39 day period of UA and were awarded a reduction to paygrade E-2, restriction for 60 days, and a \$484 forfeiture of pay.

On 2 July 1979, at the expiration of your enlistment, you were issued a general discharge certificate. In this regard, character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. An average of 4.0 in conduct was required at the time of your discharge for a fully honorable characterization of service. Your conduct average was 3.6 at the time of your discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in two NJPs for lengthy periods of UA, and since your marks were insufficiently high to warrant a fully honorable characterization of service. Accordingly, your application has been denied.

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