



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

CRS
Docket No: 4733-08
20 July 2009

[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 1 July 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 4 March 1986. You received four nonjudicial punishments for offenses that included failing to obey a lawful order by having a woman in your room and having possession of alcohol, absence from appointed place of duty, dereliction of duty, making a false official statement, and theft.

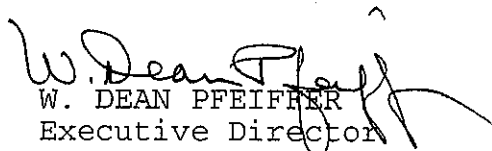
On 6 April 1993 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and minor disciplinary infractions. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 19 April 1993 with a discharge under other than honorable conditions by reason of misconduct due to minor disciplinary infractions.

In its review of your application, the Board carefully considered your contentions that you were suffering from posttraumatic stress disorder (PTSD), that the acts of misconduct which resulted in your discharge were symptoms of the undiagnosed PTSD,

that you did not commit the theft offense, and that your discharge has caused hardship for you. The Board could not find any evidence in the available records or your application which corroborates your contentions concerning PTSD and the theft. It concluded that your service was appropriately characterized as under other than honorable conditions in view of the number and severity of your offenses. 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