



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

JRE
Docket No. 01986-09
12 June 2009

[REDACTED]

Dear [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 29 May 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.

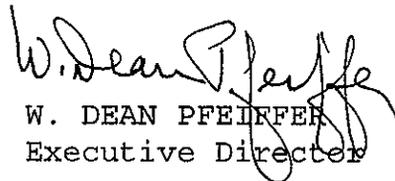
The Board found that you enlisted in the Marine Corps on 2 October 1972. You absented yourself without authority on 31 October 1974. As a result of that absence, you missed an appointment with an orthopedic surgeon who was to evaluate your knee condition. You returned to military control on 27 January 1975, and the appointment with the orthopedic surgeon was rescheduled for 5 March 1975. On 27 February 1975, you requested to be discharged for the good of the service in lieu of trial by court-martial for unauthorized absence. On 3 March 1975 you were apprehended by civil authorities for dragging a

fellow Marine under a bridge, robbing him, and throwing him in a river, whereupon you threw rocks at him. You request for discharge for the good of the service was approved by the discharge authority on 11 March 1975, and you were separated from the Marine Corps with an undesirable discharge on 21 March 1975.

Although you apparently suffered from a knee condition during your naval service, you have not demonstrated that you were unfit to reasonably perform the duties of your rank by reason of physical disability on the date of your discharge. In addition, the Board noted that you would not have been entitled to disability separation or retirement even if you have been unfit for duty, because disability evaluation processing would have been precluded by the approval of your request for discharge for the good of the service. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge or change the reason and authority for your separation, 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