



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

TJR
Docket No: 6503-09
3 June 2010

[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 2 June 2010. 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 9 May 1975 at age 17 and served without disciplinary incident until 27 March 1976, when you received nonjudicial punishment (NJP) for a 13 day period of unauthorized absence (UA). On 16 August 1977 you received your second NJP for absence from your appointed place of duty.

On 6 March 1978 you were referred for a psychiatric evaluation because of your repeated misconduct. You were diagnosed with a chronic inadequate personality with emotionally unstable features that existed prior to your enlistment. As a result, you were recommended for an expeditious administrative separation. Shortly thereafter, on 22 March 1978, you were convicted by special court-martial (SPCM) of a 129 day period of UA. You were sentenced to confinement at hard labor for 75 days, reduction to paygrade E-1, and a \$1,050 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of unsuitability due to the diagnosed character disorder. After waiving your procedural rights, your commanding

officer originally recommended discharge under other than honorable conditions by reason of misconduct due to your two NJPs, SPCM, and 216 days of lost time. However, this recommendation was changed to general under honorable conditions by reason of unsuitability solely because of your psychiatric diagnosis of a character disorder. On 17 August 1978 the discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of unsuitability, and on 13 September 1978, you were so discharged.

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 the seriousness of your repetitive misconduct and unsuitability for further service due to your diagnosed character disorder. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general 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