



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

JRE  
Docket No. 10171-09  
22 February 2010



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 4 February 2010. 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 30 November 1978. You received nonjudicial punishment on two occasions for unauthorized absence (UA) offenses, and were discharged under other than honorable conditions on 2 April 1981 in accordance with your request for discharge for the good of the service in lieu of trial by court-martial for a lengthy period of UA. Documents in your official military personnel file indicate that your UA offenses were related to your family situation.

There is no indication in the available records that you were unfit for duty by reason of physical disability. You would not have been eligible for disability separation or retirement even if you had been unfit for duty, as a discharge for the good of the service would have taken precedence over disability processing. Your contention that you were unlawfully enlisted because you suffered from color blindness is unsubstantiated, and does not provide a basis for upgrading your discharge.

In view of the foregoing, 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