



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

REC
Docket No: 12079-09
12 August 2010

[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 11 August 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

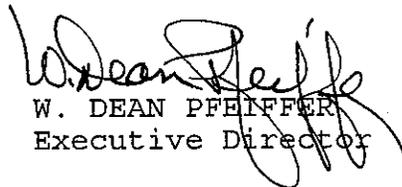
You enlisted in the Marine Corps on 20 February 1975, at age 18. On 26 March 1975, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status. On 4 April 1975, you had a mental health evaluation and it was determined that you were unfit for military duty. In addition, you were diagnosed with an immature personality disorder, an inability to tolerate the structure of the military, and it was recommended that you be separated. On 15 April 1975, the command conducted an aptitude board and it recommended that you be discharged based on your behavior and failure to disclose your pre-service civilian police record. Your commanding officer recommended that you be administratively separated by reason of unfitness and receive a general discharge. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf, which you declined. On 18 April 1975, you were discharged by reason of unsuitability. At the time of your discharge, an RE-4 reenlistment code was assigned.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board found that these

factors were not sufficient to warrant a change in your characterization of service or reenlistment code given the diagnosis of a character and behavior disorder and pre-service police record. Accordingly, 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