



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

JRE
Docket No. 00382-10
4 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 28 January 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.

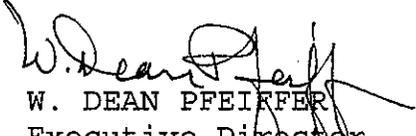
You served on active duty in the Marine Corps from 13 December 1993 to 31 August 1995, when you were discharged under honorable conditions by reason of an antisocial personality disorder. That condition was diagnosed after you admitted that you were a "skinhead" and that you had racial animosity towards persons of other races. Following your discharge, the Department of Veterans Affairs awarded you a 0% rating for pain related to an inguinal hernia repair.

In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability that was

incurred in or aggravated by your naval service, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. In addition, the Board was not persuaded that you should have received a fully honorable discharge, or that it would be in the interest of justice to upgrade your discharge, given the basis for your discharge and the racially intolerant views you espoused while serving in the Marine Corps. 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