



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

TAL
Docket No: 833-10
26 October 2010

[REDACTED]

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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 20 October 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 and began a period of active duty on 17 August 1961, at age 18. On 19 October 1961, you were convicted by summary court-martial (SCM) of assault. On 15 August 1962, you received nonjudicial punishment (NJP) for insubordinate conduct toward a superior noncommissioned officer. On 9 August 1963, you were convicted by SCM of failure to go to your appointed place of duty and insubordinate conduct toward a superior noncommissioned officer. On 8 November 1963, you were convicted by special court-martial (SPCM) of insubordinate conduct toward a noncommissioned officer. On 6 February 1964, you were the subject of a psychiatric evaluation that diagnosed you with a borderline personality disorder, functioning as a severe schizoid with fragile controls, and having the potential for psychotic decompensation if subjected to further stress. You were notified of pending administrative separation action by reason of unsuitability due to the diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 27 February 1964, the separation authority approved the separation under honorable conditions. On 16 January 1970 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given the seriousness of your misconduct. 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