



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

SJN
Docket No: 00954-10
28 October 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 26 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 27 August 1969. The Board found that you received two nonjudicial punishments (NJP's) for two instances of disobedience, were counseled and warned on two occasions that further misconduct could result in administrative discharge action. You were also the subject of a psychiatric evaluation, which diagnosed you as having a character and behavior disorder. Subsequently, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed behavior disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 28 March 1973, your commanding officer forwarded his recommendation that you be separated from the service by reason of unsuitability. In his letter he stated, in part, that a narrative summary relating to your psychiatric condition, revealed that you were not neurotic or psychotic, but quite anxious, and demonstrated a schizoid personality disorder. You were honorably discharged on 18 April 1973.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and service in Vietnam. Nevertheless, the Board found that these factors were not sufficient to warrant a change in the reason for your discharge given your two NJP's and the diagnosis of a character and behavior disorder and defective attitude. 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