



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

REC
Docket No: 04413-10
2 February 2011

[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 2 February 2011. 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 28 June 1974, at the age of 18. On 9 February 1975, received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for nine days. You were referred for a mental health evaluation based on your abnormal behavior. Though the evaluation could not identify any personality disorder, it was recommended that you be processed for an administrative separation based on you responding to medical assistance, leadership, or disciplinary measures. Your chain of command provided statements concerning your behavior that you had abused prescribed Valium by taking eight tablets at one time, and upon your return from correctional custody, you made the statement that you wanted to "kill the guards, and eat their flesh." You were notified that administrative discharge procedures were initiated and that you would receive a general discharge upon your separation for unsuitability. You were so discharged on 5 June 1975.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not

sufficient to warrant any change in your character of service, given your record of one NJP for misconduct and your abnormal behavior. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed 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