



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

CRS
Docket No: 5052-11
13 June 2011

[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 8 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 28 December 1966. You received nonjudicial punishment on three occasions and were convicted by three summary courts-martial. The offenses included six periods of unauthorized absence, disobedience of a lawful order, and absence from appointed place of duty.

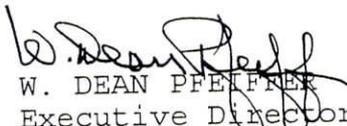
On 27 May 1971 you submitted a written request for discharge for the good of the service in lieu of trial by court-martial for two periods of unauthorized absence totaling 138 days. Prior to submitting this request you conferred with a qualified military lawyer who advised you of your rights and warned of the probable adverse consequences of receiving an undesirable discharge. Your request was approved, and you received an undesirable discharge on 6 July 1971.

On 14 April 1977 you were issued a clemency discharge, which restored your civil rights but did not entitle you to veteran's benefits.

The Board carefully evaluated all potentially mitigating factors in your case, such as your youth, overall service record, and the contention that you had symptoms of posttraumatic stress disorder (PTSD) that caused your misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given your numerous disciplinary infractions. Further, there is no credible evidence to show that you suffered from PTSD while 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