



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

CRS
Docket No: 6519-10
15 September 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 28 July 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.

The Board found that you enlisted in the Marine Corps on 11 June 2002. On 7 January 2004 you were convicted by a summary court-martial of wrongful use of marijuana and cocaine. On 9 February 2004 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 16 March 2004 you were diagnosed with posttraumatic stress disorder (PTSD). After review by the discharge authority, the recommendation for separation was approved and on 3 April 2004 you were separated by reason of misconduct with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered your contention that your PTSD caused your misconduct. The Board concluded that your service characterized by a discharge under other than honorable conditions, and that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge. In addition, even if you did have symptoms of PTSD at the time in question, there is no indication

in the available records that you lacked mental responsibility, or that you were unfit for service by reason of physical disability. 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