



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

JRE  
Docket No. 09349-10  
10 June 2011

[REDACTED]

[REDACTED]

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 9 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.

You served on active duty in the Marine Corps from 6 September 2005 to 6 April 2007, when you were discharged under other than honorable conditions pursuant to your request for discharge for the good of the service in lieu of trial by court-martial for the offense of unauthorized absence from 4 April 2006 to 17 February 2007, a period of 319 days.

The Board was not persuaded that you were unfit for duty by reason of physical disability at the time of your discharge. In addition, it noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty because

your discharge for the good of the service would have taken precedence over disability evaluation processing. The Board did not accept your contention to the effect that you did not know that you could receive a discharge under other than honorable conditions. In this regard, it noted that you stated in your request for discharge that the discharge would be a separation under other than honorable conditions which would be issued without further referral or consideration of your case by an administrative discharge board. Accordingly, your request for correction of your record to show that you were separated or retired by reason of physical disability has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for upgrade of your discharge because you failed to exhaust an available administrative remedy by applying to the Naval Discharge Review Board. A DD Form 293 is enclosed for your use in that regard.

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

Enclosure