



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 04256-12
14 March 2013

[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 12 March 2013. 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.

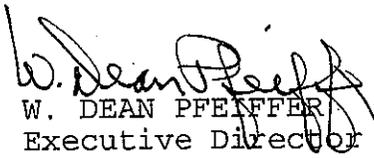
You enlisted in the Marine Corps and began a period of active duty on 17 September 1980. The Board found that although your record is incomplete, a medical entry states, in part, that on 13 May 1985, you barricaded yourself and girlfriend, at the time, in a guard station at the United States Embassy in Oslo, Norway. After approximately 15 hours of refusing to allow personnel to either pass into the Embassy or allow your girlfriend to leave the Embassy guard station, you gave yourself up peacefully. The report further states that when you faced the possibility of going to a court-martial, and imprisonment was mentioned, you became suicidal or at least made suicidal gestures to the point of making a noose and putting it in your room, and hiding a razor blade in a book. Finally, that you continued to express suicidal ideation at the prospect of being returned to the United States for possible incarceration. It appears that due to this incident at the Embassy, you submitted a written request for an other than honorable (OTH) discharge in order to avoid trial by court-martial. Prior to submitting this request for discharge, you conferred with a qualified military lawyer, were advised of your rights, and were warned of the probable adverse consequences of

accepting such a discharge. Subsequently, your request for discharge was granted and you were discharged on 13 August 1985 with an OTH discharge in lieu of trial by court-martial. As a result of this action, you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given what it appears to be your misconduct at the Embassy that resulted in charges being preferred to a court-martial, and request for discharge. The Board believed that considerable clemency was extended to you when your request for discharge was approved. The Board also concluded that you received the benefit of your bargain with the Marine Corps when your request for discharge was granted and should not be permitted to change it now. 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