



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

TJR
Docket No: 2122-01
9 October 2001

Dear [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 October 2001. 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.

The Board found you enlisted in the Marine Corps on 1 August 1974 at the age of 17. Your record reflects that on 2 October 1974, after undergoing a medical examination, you were diagnosed with pneumonia.

On 22 October 1974 a depot aptitude board (DAB) recommended your administrative separation by reason of defective attitude. The DAB report noted that you had failed your initial strength test and had caused problems while in recruit training. The report further noted, in part, as follows:

PVT doesn't want to be in the Corps and will do anything to get out. While in the hospital being treated for pneumonia, he hung out of a 2nd story window. He charged that others were trying to kill him. This PVT will not stop acting out until he is out of the Corps. He is a maltreatment risk.

Subsequently, the discharge authority directed a general discharge by reason of defective attitude. On 25 October 1974, prior to completion of recruit training, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you were forced out of the Marine Corps because of your weight problem. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your failure to complete recruit training and your defective attitude. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. 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