



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

CRS
Docket No: 3842-01
15 May 2002



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 1 May 2002. 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. In addition, the Board considered the advisory opinion furnished by the Specialty Advisor to the Surgeon General for Psychiatry, a copy of which is attached.

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 enlisted in the Marine Corps on 28 September 1979 at age 19. The record reflects that on 15 October 1980 you were involved in a truck accident. Subsequently, you received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included unauthorized absences totalling 18 days, absence from your appointed place of duty, and possession of marijuana.

On 7 December 1981 your commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct. When informed of this recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 18 December 1981.

With your application, you presented a medical evaluation that states that you have post traumatic stress disorder (PTSD) that was caused by the truck accident and your being a witness to a murder-suicide. You state that after these incidents you were never quite the same. The advisory opinion from the Specialty Advisor states that there is no evidence that your diagnosed PTSD was symptomatic during your period of service. The opinion also states that there is no evidence that it was germane to the misconduct that led to your discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity, two medical evaluations, and the contentions that PTSD caused your misconduct and that your discharge would be upgraded in six months. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. You were the subject of five disciplinary actions within a period of less than three years. Furthermore, there is no evidence that your PTSD caused or contributed to your misconduct. There is also no law or military regulation that provides for upgrading a discharge based solely on the passage of time. Based on the foregoing, the Board concluded that no change to the discharge 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

Enclosure