



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

TJR
Docket No: 4468-01
26 February 2002

[REDACTED]

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 20 February 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.

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 25 July 1969 at the age of 17. Your record shows you served for seven months without disciplinary incident. However, during the period from 17 February until 1 October 1970, you received nonjudicial punishment (NJP) on five occasions for a 31 day period of unauthorized absence (UA), three specifications of disobedience, absence from your appointed place of duty, and two specifications of failure to go to your appointed place of duty.

During the 115 day period from 19 December 1970 to 13 April 1971 you were in a UA status. On 5 June 1971, after breaking restriction, you began a 256 day period of UA that was not terminated until you were apprehended by civil authorities on 16 February 1972.

On 10 April 1972 you began another period of UA which was not terminated until on or about 13 January 1975. On 14 January 1975 you submitted a written request for an undesirable discharge in order to avoid trial by court-martial for the foregoing periods of UA. Prior to submitting this request for discharge, you

conferred with a qualified military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. Your request for discharge was granted and on 14 January 1975 you were so discharged. At that time you agreed to serve 15 months of alternate service pursuant to Presidential Proclamation 4313.

On 19 November 1976 your enrollment in the Reconciliation Service Program, in accordance with your agreement of 14 January 1975, was terminated due to your failure to complete the required period of alternate service. The termination letter noted, in part, that you had left an approved job without authorization, and that you had been uncooperative with additional efforts to place you on another approved job.

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 had problems once you left Vietnam. The Board also considered your contention that you now suffer from Post Traumatic Stress Disorder (PTSD). However, the Board concluded that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repetitive misconduct, which resulted in five NJPs, and your lengthy periods of UA. Further, the Board noted your failure to complete the agreed upon 15 months of alternate service. Also, the Board noted that there is no evidence in your record, and you submitted none, to support your contention of PTSD. The Board concluded your discharge was proper as issued 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