



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

CRS  
Docket No: 5984-02  
4 October 2002

[REDACTED]

[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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 23 May 1979 at age 17. The record reflects that you received four nonjudicial punishments. The offenses included an unauthorized absence of two days, absence from your appointed place of duty on seven occasions, disrespect, possession of alcohol in the barracks on two occasions, and drinking wine during working hours.

On 22 December 1981 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. Subsequently, you received two additional nonjudicial punishments for drinking beer in the barracks, disrespect, and an unauthorized absence of a day. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 3 February 1982 with an other than honorable discharge by reason of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the contention that your bi-polar disorder caused your misconduct. 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, specifically, six disciplinary actions within a period of less than three years. In this regard, there is no evidence in the record, and you have submitted none, to show that you suffered from a bi-polar disorder at the time of your service. Additionally, even if you did, and it became symptomatic during your period of active duty, there is no indication that the disorder caused an inability to know right from wrong or adhere to the right, or that it was sufficiently mitigating to warrant recharacterization. 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

Copy to: The American Legion