



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

TJR
Docket No: 8155-07
9 October 2008

[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 8 October 2008. 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 on 28 October 1958 at age 17 and served without disciplinary incident until 15 August 1959, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. About five months later, on 5 January and again on 19 February 1960, you received NJP for failure to obey a lawful order and absence from your appointed place of duty.

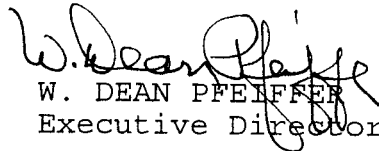
On 9 June and again on 1 July 1960, after undergoing medical evaluations, you were recommended for an administrative discharge due to being diagnosed with conversion, passive aggressive, and schizophrenic reactions. Shortly thereafter, you were processed for discharge by reason of unfitness due to the diagnosed conversion, passive aggressive, and schizophrenic reactions. The discharge authority directed separation under honorable conditions by reason of unfitness, and on 4 August 1960 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to have your discharge upgraded to honorable. It also considered your assertion that you received low conduct and proficiency marks even though you did not have any disciplinary infractions. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in three NJPs. Finally, there is documented evidence in the record that is contrary to your assertion of being unjustly assigned low conduct and proficiency marks. 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