



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

JRE
Docket No. 06880-08
11 May 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 30 April 2009. 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.

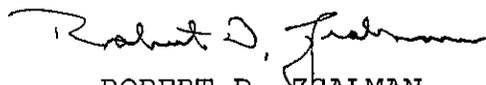
The Board found that you enlisted in the Marine Corps on 13 November 1968. You received nonjudicial punishment on three occasions and were convicted by court-martial for multiple unauthorized absence offenses. A letter filed in your service record indicates that you were absent without authority because of your to return home to support your family. You underwent a pre-separation physical examination on 22 January 1973 and were found physically qualified for separation. You were discharged under other than honorable conditions on 22 January 1973 upon the acceptance of your request for discharge for the good of the service in lieu of trial by court-martial for an unauthorized absence from 8 June to 15 November 1972.

The Board was not persuaded that your unauthorized absences were caused by or related to undiagnosed posttraumatic stress disorder, or that you were unfit for duty by reason of physical disability at the time of your discharge. It noted that even if you had been unfit for duty, you would not have been entitled to disability separation or retirement, as a discharge for the good of the service would have taken precedence over disability evaluation processing.

In view of the foregoing, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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,



ROBERT D. ZSALMAN
Acting Executive Director