



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

TJR  
Docket No: 8827-09  
16 June 2010

[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 15 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 15 July 1966 at age 17. You served for about seven months without disciplinary incident, but during the period from 3 February to 14 August 1967, you received nonjudicial punishment (NJP) on four occasions and were convicted by summary court-martial (SCM) on two occasions. Your offenses were four periods of absence from your appointed place of duty, seven periods of failure to go to your appointed place of duty, failure to obey a lawful order, sleeping on post, and two specifications of disobedience.

On 6 April and 16 September 1968 you were referred for psychiatric evaluations because of your disciplinary problems. You were diagnosed with a passive aggressive personality, paranoid tendencies, and a character and behavior disorder. Shortly thereafter, on 3 October 1968, you were convicted by special court-martial (SPCM) of communicating a threat. On 9 December 1968 you received your fifth NJP for failure to go to your appointed place of duty and a four day period of unauthorized absence (UA).

On 6 January 1969 you received your sixth NJP for sleeping on post. On 31 January 1969 you were again referred for a psychiatric evaluation because of your disciplinary problems. At that time you were recommended for an administrative separation due to your diagnosed character disorder. Nonetheless, on 13 February 1969, you were convicted by SCM of two specifications of failure to obey a lawful order and wrongful possession of a government driver's license.

Subsequently, you were notified of pending administrative separation by reason of unsuitability due to your diagnosed character and behavior disorder and inability to expend constructive effort. After waiving your procedural rights, your commanding officer recommended discharge under honorable conditions by reason of unsuitability. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by reason of unsuitability, and on 6 March 1969 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in six NJPs and four court-martial convictions, and your diagnosed character and behavior disorder. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general discharge. Accordingly, your application has been denied.

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