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

REC
Docket No: 05094-10
10 February 2011

[redacted]

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 9 February 2011. 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 7 April 1966, and served honorably until 28 January 1970, when you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for five days. On 16 March 1970, your NJP appeal was denied. On 1 July 1970, a mental health evaluation was conducted and you were diagnosed with cephaialgia tension, and a passive aggressive personality disorder. Based on the mental health evaluation, you were processed for separation by reason of unfitness and your passive aggressive personality. After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 30 October 1970, you were discharged with an honorable characterization of service by reason of a physical disability with severance pay. At that time, you were assigned a reenlistment code of RE-3P.

In its review of your application, the Board considered all mitigating factors, such as your youth. However, the Board found these factors were insufficient to warrant removing your NJP. The Board concluded that your commanding officer's decision to

impose this NJP was appropriate and that it was administratively and procedurally correct as written and filed. The Board further concluded that removal of the NJP or modification of the charge was not warranted. The Board thus concluded that there was no error or injustice in your NJP. 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

W. DEAN PFEIFFER
Executive Director