



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

TJR
Docket No: 13341-10
18 March 2011

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 March 2011. 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 23 December 1971 at age 25 and served for about two years without disciplinary incident. However, during the period from 10 January until 12 April 1974, you received nonjudicial punishment (NJP) on six occasions. Your offenses were two periods of absence from your appointed place of duty, three specifications of dereliction of duty, failure to obey a lawful order, and two specifications of disobedience.


On 17 April 1974 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military or civilian authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 2 July 1974 an ADB recommended discharge under other than honorable conditions by reason of unfitness due to the frequent involvement of a discreditable nature with military authorities. Subsequently, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of unfitness due to the frequent involvement

of a discreditable nature with military authorities. On 11 July 1974 the discharge authority approved these recommendations, and on 16 July 1974 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your combat history, desire to upgrade your discharge, and assertion of medical and mental problems which you believe you should have received treatment. 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 six NJPs. Further, there is no evidence in the record, and you submitted none, to support your assertion of medical or mental problems. Finally, applicable directives state, in part, that even if a Marine is processed for separation by reason of a medical or mental condition, if the Marine meets the requirements of another reason for separation, such as unfitness, the Marine will be separated for the latter reason. 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