



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

JRE
Docket No: 1797-98
6 May 1999

[REDACTED]

Dear [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 15 April 1999. 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 7 June 1967. You received nonjudicial punishment on 9 December 1967 for three days of unauthorized absence. You were convicted by special court-martial on 7 February 1969 of two unauthorized absences of a total duration of 107 days. You were discharged under other than honorable conditions on 27 February 1970, pursuant to your request, in lieu of trial by court-martial for two periods of unauthorized absence of a total duration of 124 days. Prior to your discharge, you underwent a pre-separation physical examination and were found physically qualified for separation. No disqualifying defects were disclosed by you or noted by the examining physician, and you denied a history of symptoms associated with a mental disorder. Following your discharge, the Department of Veterans Affairs determined that your service was performed under dishonorable conditions, which precluded you from receiving benefits administered by that agency.

The Board did not accept your contentions of error and injustice, as they are unsubstantiated. It was not persuaded that you suffered from post traumatic stress disorder when you

committed the offenses which resulted in your discharge, that your misconduct was mitigated or extenuated by, or was the product of, that disorder, or that you were unfit by reason of physical disability at that time. In addition, it could find no basis for recommending that the characterization of your service be upgraded. 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