



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 5023-99

15 October 1999

Dear [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 14 October 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 12 August 1981 for three years. The record reflects that at the time of your enlistment you had completed initial active duty for training in the Army National Guard from 23 May to 22 July 1975. You were honorably discharged from the Marine Corps on 1 September 1981 by reason of unsuitability due to inaptitude. The discharge processing documentation is not filed in your record.

The Board could not determine from your application what correction you were seeking. In a note attached to your application you state "I am writing the Naval Board to change my Marine Corps discharge from general to honorable. You also ask about the GI benefits you were promised when you enlisted. The Board noted that there appears to be no action for the Board to take since your DD Form 214 indicates you were honorably

discharged. Since you completed less than 180 days of active service and were not separated by reason of disability, it appears you are ineligible for any veterans benefits. However, since entitlements for veterans benefits comes under the purview of the Department of Veterans Affairs (DVA) and not this Board, you should contact the DVA for determination of your eligibility. Your contention that you were awarded the Good Conduct Medal in recruit training is without merit. Eligibility for the Good Conduct Medal requires three years of unblemished active service. Your DD Form 214 does not indicate you were awarded the medal, only that the eligibility period for medal commenced on date of enlistment. The Board further noted that your record does not contain the facts and circumstances surrounding your discharge. Absent such evidence, a presumption exists that the action taken by Navy to discharge you by reason of unsuitability was appropriate and proper. You have provided neither probative evidence nor a convincing argument in support of your application. 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