



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

ELP  
Docket No. 128-01  
22 June 2001

[REDACTED]

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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 20 June 2001. 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 8 August 1968 for four years at age 17. The record reflects that you were advanced to LCPL (E-3) and served for about 16 months without incident. However, during the three month period from December 1969 to February 1970 you received two nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of wrongful possession of a hunting knife, two rounds of .45 caliber ammunition, and a hypodermic needle; failure to obey a lawful order; absence from your appointed place of duty; a six-hour period of unauthorized absence; and disobedience.

On 10 March 1970 you were referred for a psychiatric evaluation. The examining psychologist described you as an agitated individual who gave a long history of emotional and interpersonal difficulty and an inability to complete long-term tasks. The psychologist stated that you were not motivated for further

service and were acting out in order to receive an administrative discharge. You were diagnosed with an immature personality disorder and recommended for discharge.

On 27 March 1970 you were notified that you were being recommended for a general discharge by reason of unsuitability due to the diagnosed character and behavior disorder manifested by your insecurity, remoteness, and unresponsive attitude. After being advised of your procedural rights, you declined to consult with legal counsel or submit a statement in your own behalf. Thereafter, the commanding officer (CO) recommended a general discharge by reason of unsuitability. The CO noted that due to your inherently weak self-identity and personality, you had been manipulated by a number of undesirable personnel. The CO recommended a general discharge by reason of unsuitability. The discharge authority approved the recommendation and directed a general discharge. You were so discharged on 1 May 1970.

Individuals discharged by reason of unsuitability receive the type of discharge warranted by the service record. Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.6. At the time of your discharge, a minimum average of 4.0 in conduct was required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, diagnosed personality disorder, and the fact that it has been more than 31 years since you were discharged. The Board noted the earnings statement you submit to support your contention that you have matured over the years since your discharge. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of two NJPs, a summary court-martial conviction, and the fact that you failed to achieve the required average in conduct. The Board concluded that the discharge was proper and no change is warranted. 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