



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

ELP
Docket No. 3794-01
15 October 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 of the Board for Correction of Navy Records, sitting in executive session, considered your application on 11 October 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.

You reenlisted in the Marine Corps on 31 March 1978 for four years as a SGT (E-5). At the time of your reenlistment, you had completed nearly three years of prior active service. The record reflects that you were assigned to recruiting duty on 8 December 1978. A special fitness for the period 31 March 1979 to 25 July 1979 was submitted on the occasion of your relief for cause from recruiting duty. That report noted that you had the ability to recruit but did not have the fiber to make the sacrifices necessary for success, and described you as spiritless and weak. In a rebuttal to the fitness report, you stated the following:

"When it comes to me being assaulted and verbally abused for doing nothing more than using my right to request mast, then I feel I no longer want to be a part of this or any other Marine Corps command. If this is considered disloyalty then I guess this must be the case, however, my past performance in the Marine Corps has always been untarnished before coming to this command."

On 26 July 1979, the commanding officer (CO) requested your relief for cause and the voiding of your recruiting military occupational specialty (MOS) in recruiting. The CO stated that an informal investigation was conducted into the charges you made in the rebuttal to your fitness report, but they could not be substantiated. The CO noted that you never came forward to present these charges until your relief. With regard to your comments concerning request mast, the CO stated that when he personally heard your request mast, you mentioned nothing concerning the charges or your dissatisfaction with the noncommissioned officer-in-charge or recruiting duty. He could find no evidence that suggested that you were ever denied your right to request mast. The reviewing authority concurred with the reporting senior's markings and comments. The reviewing authority noted that the CO took a special interest in your case to insure you received fair treatment. Even after your duties were changed, your performance did not improve and your relief was warranted.

You were reassigned to an infantry unit at Camp Lejeune, NC on 27 September 1979. The division psychiatrist notified the company CO on 16 January 1989 that you were seen for an emergency psychiatric evaluation because you had been contemplating suicide several times in the past year, ever since you were on recruiting duty. The diagnostic impression was an inadequate personality disorder. Immediate psychotherapy was initiated with a recommendation that you not be deployed.

On 8 February 1980, the division psychiatrist reported that evaluation, observation and treatment since 15 January 1980 revealed three major areas of conflict which were based on your perception of events: (1) severe disillusionment after being relieved from recruiting duty, (2) decreasing motivation with apathy associated with assignment to an infantry unit, and (3) ambivalent feelings about continuing in the Marine Corps. With the approval of the CO, you were placed in the division psychiatry day care program in order to provide you with more intensified psychiatric treatment.

On 25 February 1980, the division psychiatrist opined that after approximately six weeks of treatment, you still had a strong aversion to returning to any infantry unit. Although you were able to function in a clerical role in the sheltered environment of the psychiatry day care program, you were unable to adjust to the demands of military service. The psychiatry staff believed that there was potential for an emotional relapse and regression if forced to return to an infantry line unit. Administrative separation was recommended by reason of an inadequate personality disorder.

On 18 March 1980 the division psychiatrist reported to the Headquarters Company CO that you had been terminated from the psychiatry day care program on 11 March 1980 so that your performance and behavior could be observed in an infantry line company, and the CO could satisfy himself as to your suitability for further service. However, you decompensated emotionally in the infantry company despite being assigned nonstressful duties as supervisor of a working party. You claimed frightful nightmares involving death, burial, and incarceration in the brig. You stated you tried to comply with the command's expectations but felt "like something terrible was going to happen." It was noted that during this observation period, you frequently sought emotional support from the division psychiatry office. You were again diagnosed with an inadequate personality disorder and immediately returned to the psychiatry day care program until administrative discharge processing could be completed.

On 24 March 1990 the commanding officer recommended that you be honorably discharged by reason of unsuitability due to a diagnosed personality disorder. In his recommendation, the CO noted that several troop handlers had indicated that you were easily shaken and had very little control over the detail you were supervising. You did not seem to be recovering significantly, shocked noticeably when addressed by those in authority, and were unable to cope with even nonstressful duties.

On 26 March 1980 you were notified that action was being initiated to administratively discharge you by reason of a diagnosed character and behavior disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf. Thereafter, the discharge authority directed an honorable discharge by reason of unsuitability due to the personality disorder. You were so discharged on 18 April 1980.

In its review of your application the Board conducted a careful search of your service record for any mitigating factors which might warrant changing the reason for your discharge. However, no justification for such a change could be found. The Board noted the documents you provided from your prior enlistment which included promotion warrants showing you were promoted to SGT in less than three years; nominations for military policemen of the quarter for the months of January, July, and October 1977; military policeman of the month certificate for June 1977; and other documents. The Board also noted your contention to the effect that your transfer from recruiting duty was in retribution for contacting your congressman regarding the recruiter-in-charge's abusive treatment, and this same type of abusive treatment continued at your new command. You assert that the system failed you and you do not have character and behavior

disorder, as shown by your distinguished record with the Postal Service for more than 20 years.

Regulations require that the specific reason for discharge be shown on the DD Form 214. You have provided no medical evidence that refutes the diagnosis of a personality disorder made by competent authority. Absent convincing evidence to the contrary, the Board found no valid basis for changing the reason for discharge. In order to justify correction of a military record, you must show to the satisfaction of the Board, or it must otherwise appear, that the record is in error or that you treated unjustly by the Navy. You have failed to submit any evidence that would satisfy that requirement. You also have provided no documentation corroborating your record of employment with the Postal Service. The Board concluded that the reason for discharge was appropriate 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