



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

CRS
Docket No: 6690-99
8 June 2000

[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 Naval Records, sitting in executive session, considered your application on 17 May 2000. 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 6 December 1966 at age 17. The record reflects that you received two nonjudicial punishments. The offenses included an unauthorized absence of seven days, underage drinking, and being incapacitated for duty.

On 20 January 1969 you were convicted by a general court-martial of conspiracy to commit larceny of government property worth \$1129, stealing that property, and stealing a government truck. The sentence imposed consisted of confinement at hard labor for two years, forfeiture of all pay and allowances, reduction in rank and a bad conduct discharge. On 15 May 1969 you were convicted by a second court-martial of an unauthorized absence of four days and escaping from confinement. Subsequently, the bad conduct discharge was ordered executed. You were discharged on 18 November 1969.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that post

traumatic stress disorder (PTSD) caused your misconduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the frequency and seriousness of your offenses. In this regard, the Board especially noted the serious nature of the offenses involving the theft of government property. Further, there is no evidence in the record, and you have submitted none, to show that you suffered from PTSD at the time of your service. Additionally, even if you did, and it became symptomatic during your period of active duty, there is no indication that the disorder caused an inability to know right from wrong or adhere to the right, or that your PTSD was sufficiently mitigating to warrant recharacterization. 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

Copy to: Veterans of Foreign Wars