



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7119-99

16 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 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 13 June 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, 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 was unable to obtain your service record and conducted its review using the copy of the service record you submitted.

The Board found that you enlisted in the Marine Corps on 27 February 1978 at age 17. The record shows that during 1978 you received nonjudicial punishment on two occasions. Your offenses were an absence from your appointed place of duty and destruction of a locker. Subsequently, you were referred to an alcohol rehabilitation program, but were dropped from the program on 16 November 1979. At that time, you were diagnosed with habitual excessive drinking, other substance abuse and a passive aggressive personality with sociopathic tendencies. On 29 February 1980 you were convicted by Japanese authorities of robbery and were sentenced to three years in prison.

Based on your conviction by Japanese authorities you were processed for an administrative discharge. The discharge processing documentation appears to be incomplete. However, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with an other than honorable discharge. You were so discharged on 3 December 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, diagnosed alcoholism and personality disorder. The Board also considered the psychiatric evaluation, dated 11 June 1999, you submitted which sets forth a history of physical abuse as a child and a long history of mental illness, and alcohol and drug abuse. The psychiatric diagnoses are Bipolar Disorder, mixed; Chronic Post Traumatic Stress Disorder; Cognitive Disorder not otherwise specified; and polysubstance abuse/dependency, in partial remission. You contend that your deprived background psychiatric problems, and drug and alcohol abuse impaired your ability to serve.

The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by Japanese authorities of a serious offense. Concerning your documented alcoholism, the Board was aware that alcohol abuse is not considered an excuse for misconduct and disciplinary action is appropriate following alcohol related misconduct. The Board considered the psychiatric evaluation you submitted but noted it was conducted almost 18 years after your discharge from the Marine Corps. There is no evidence in the record, and you submitted none, showing that you were not responsible for your actions or were incompetent to stand trial by Japanese authorities in 1980. The Board concluded that the discharge was proper as issued 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