



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

JRE
Docket No: 1450-01
23 May 2002



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 16 May 2002. 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 served on active duty in the Marine Corps from 24 July 1969 to 4 June 1970, when you were discharged under honorable condition by reason of unsuitability. The discharge was based, in part, on the results of a psychiatric evaluation you underwent on 12 May 1970 which indicates that you had a long history of family instability, poor school adjustment, trouble with the law, and unstable relationships. In addition, you had tended to lose control of your emotions and impulses in the past. At the time you underwent the evaluation, you were hospitalized on for evaluation of residuals of an automobile accident, and it was unclear whether your symptoms were "real problems or psychogenic in nature". You underwent a pre-separation physical examination on 2 June 1970, and were found physically qualified for discharge. On 27 November 1970, the Veterans Administration (VA) awarded you a 0% rating for post traumatic headaches. Despite the basis for your discharge from the Marine Corps, you enlisted in Army National Guard on 6 October 1973, and served in that organization until 5 June 1992. The VA awarded you a 30% rating for headaches effective 11 June 1999.

The Board was not persuaded that you were unfit for duty at the time of your discharge from the Marine Corps. Although you complained of headaches, they were not severe enough to have precluded you from performing your duties, and you were considered fit for duty. In addition, VA records indicate that your headache condition was minor in nature, and you were physically qualified for enlistment in the National Guard, and served successfully for more than 18 years thereafter.

In view of the foregoing, 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