



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

**JRE**  
Docket No: 4505-02  
19 December 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 15 November 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 enlisted in the Marine Corps on 29 May 1969. You received nonjudicial punishment on two occasions for absence offenses and disobedience, and requested discharge in lieu of trial by court-martial of unauthorized absences of 207 days duration. You underwent a pre-separation physical examination on 29 December 1970, and were found physically qualified for discharge. You were discharged under other than honorable conditions on 5 January 1971, in accordance with your request.

The Board could find no indication in the available records that you were "offered" a medical separation or retirement at any time during your military service, or that you were unfit to perform your duties by reason of physical disability. It noted that even if you had been unfit for duty, you would not have been entitled to disability evaluation, because your discharge in lieu of trial by court-martial would have precluded such evaluation. 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