



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

JRE  
Docket No: 7221-01  
6 September 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 22 August 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 were discharged from the Marine Corps on 9 July 1976, with a discharge under other than honorable conditions, pursuant to your resignation for the good of the service to escape trial by court-martial for multiple serious offenses. The offenses included attempted escape from custody, disobedience of lawful orders, wrongfully using provoking and reproachful words, unlawfully striking two children, your wife and a military policeman, conduct unbecoming an officer, and being drunk in quarters. You had a previous nonjudicial punishment, as well as a conviction by general court-martial of wrongfully borrowing money from an enlisted man, and dishonorable failure to maintain sufficient funds for the payment of six checks. Although there is evidence indicating that you had an alcohol problem at that time, there is no indication that you were suffering from post traumatic stress disorder, or that you were not responsible for your actions. The Board concluded that given your extensive disciplinary record, your service was properly characterized with a discharge under other than honorable conditions. In addition, it noted that the acceptance of your resignation precluded much more severe penalties for your misconduct, such as dismissal, confinement, and forfeiture of pay and allowance. The Board was not persuaded that it

would be in the interest of justice to recommend that your discharge be upgraded.

The Board did not consider your recent request for correction of your record to show that you were held as a prisoner of war for a period of 93 days. You must first contact the Commandant of the Marine Corps and request that an administrative review of your claim be conducted. If you are not satisfied with the results of that review, you may apply to the Board.

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