



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

JRE
Docket No. 04409-03
27 October 2003



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 October 2003. 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. In addition, it considered the comments of your counsel.

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.

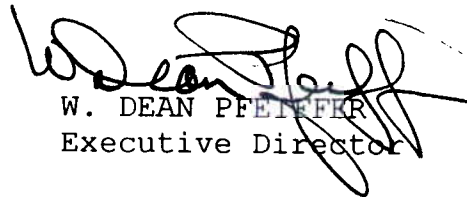
The Board found that you served in the Marine Corps from 16 June 1971 to 15 November 1974, when you were separated from the service with a bad conduct discharge, pursuant to the sentence of a special court-martial, which convicted you of three lengthy absences without authority. In determining your sentence, the court considered a prior conviction by summary court-martial, and a record of nonjudicial punishment. You completed 2 years, 1 month and 3 days of creditable, and had 454 days time lost.

The Board rejected your unsubstantiated contentions to the effect that you were suffering from bipolar affective disorder

when you committed the offenses that resulted in your discharge, and that those offenses were related to your self-medication with illegal drugs for an undiagnosed mental disorder. It concluded that your service was properly characterized by a bad conduct discharge, given your extensive disciplinary record, and the absence of significant matters in extenuation or mitigation thereof. It was not persuaded that you were unfit by reason of physical disability at the time of your discharge. 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