



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

TRG  
Docket No: 3548-07  
21 August 2008



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 19 August 2007. 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.

Your record shows that you reenlisted in the Marine Corps on 21 July 1962 and were subsequently promoted to staff sergeant (SSgt). On 12 October 1965 you arrived in Vietnam. About six weeks later, on 1 December 1965 you were evacuated from Vietnam because you were having difficulties interacting with your chain of command. On 25 May 1966 you were diagnosed with a paranoid personality and were recommended for discharge from the Marine Corps. Subsequently, a physical evaluation board concluded that your discharge from the Marine Corps was warranted.

Before your discharge could be effected, you filed a civil action contending that your discharge from the Marine Corps was improper. In order to allow time for consideration of your case the Judge issued a temporary restraining order preventing your discharge. On 3 February 1967 the court granted summary judgment in favor of the Department of the Navy and lifted the restraining order. You were honorably discharged on 17 February 1967. The DD Form 214 issued at that time shows that you had completed 13 years, 8 months and 10 days of active service and you were serving in the grade of SSgt.

In your application you are requesting the award of several personal decorations and a correction to your record to show that

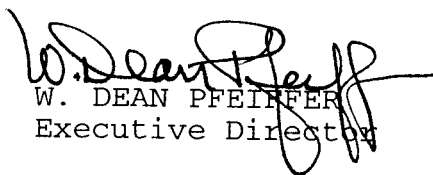
you retired from the Marine Corps in the grade of master gunnery sergeant. As indicated, the record shows that you were honorable discharged on 17 February 1967 in the grade of SSgt. Further, there is nothing in your record to show that you were entitled to any personal decorations. Given the passage of time, no other records are available. A copy of the DD Form 214 prepared on 17 February 1967 is enclosed for your information.

The Board concluded that the proceedings which resulted in your discharge were properly conducted in accordance with regulations then in effect and that your discharge from the Marine Corps was proper. Further, the Board noted that a Federal Judge also concluded that your discharge was proper. Therefore, there is no basis to conclude that you served in the Marine Corps after 17 February 1967.

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

Enclosure