



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

TRG
Docket No: 7825-07
28 August 2008

[REDACTED]

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 26 August 2008. 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.

You enlisted in the Marine Corps on 4 March 1966 at age 17. During the period from 10 August to 7 September 1966, you were convicted by a summary court-martial and received nonjudicial punishment. Your offenses were two periods of unauthorized absence totaling about 12 days and disobedience. On 9 May 1967 you arrived in Vietnam and subsequently participated in several operations. You left Vietnam on 19 December 1967. Subsequently, you were an unauthorized absentee on two occasions totaling about 23 days for which there is no disciplinary action in the record.

A special court-martial convened on 6 November 1968 and convicted you of an unauthorized absence of about 48 days. The sentence of the court did not include a bad conduct discharge. On 26 March 1969, a medical board found that you had a passive-aggressive personality and recommended your discharge from the Marine Corps. This recommendation was approved and you were issued a general discharge on 9 April 1969.

Character of service is based, in part, on conduct and proficiency averages, which are computed from marks assigned during periodic evaluations. Your conduct mark average is 3.1. A minimum average mark of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of

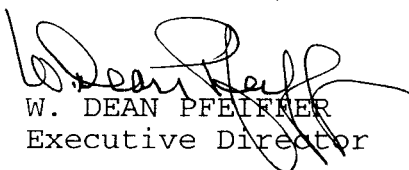
service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as youth, service in Vietnam and the diagnosed passive-aggressive personality disorder. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your disciplinary record which resulted in low marks in conduct and failure to meet the conduct mark average requirement. The Board concluded that the discharge was proper as issued and no change is warranted.

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