



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

CRS
Docket No: 1604-08
4 August 2008

[REDACTED]

Dear [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 30 July 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.

The Board found that you enlisted in the Marine Corps on 3 May 1967. On 30 September 1969 you were charged with breaking into a military exchange and stealing over \$800 worth of goods. You were declared a deserter on 30 October 1969. On 31 October 1969 you hijacked a TWA plane going to Los Angeles and had it flown to Rome, Italy. You served three and one-half years in Italian confinement before being released. On 7 September 1979 you received a discharge under other than honorable conditions in absentia by reason of a prolonged absence without authority.

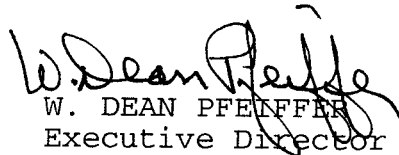
The Board carefully weighed all potentially mitigating factors present in your case, such as your youth at the time in question and service in Vietnam. The Board found those factors insufficient to warrant an upgrade of your discharge, given your lengthy period of unauthorized absence, other acts of misconduct, and limited period of creditable service.

The Board did not accept your unsubstantiated contentions to the effect you suffered from diminished mental capacity and PTSD while in the Marine Corps and that you lacked mental

responsibility for your actions. The Board concluded that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge to honorable or general. 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