



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

CRS  
Docket No: 7763-08  
25 March 2009

[REDACTED]

[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 19 February 2009. 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 29 November 1974. You received three nonjudicial punishments for offenses that included two periods of unauthorized absence and failure to obey a lawful order. On 21 February 1975 an aptitude board found that you were actively seeking a discharge and recommended your separation for unsuitability. You were discharged under honorable conditions by reason of unsuitability on 28 February 1975, in accordance with approved findings and recommendation of the aptitude board.

The Board did not accept your contention to the effect you had a medical problem that was aggravated by training. The Board concluded that you were fortunate to have been discharged under honorable conditions by reason of unsuitability, rather than by reason of misconduct. The Board was not persuaded that it would be in the interest of justice for it to upgrade your discharge to honorable. 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