



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

JRE
Docket No. 00600-09
9 March 2010

[REDACTED]

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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 4 March 2010. 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.

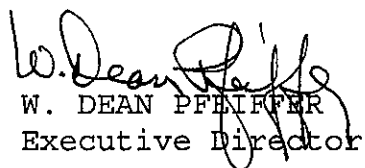
You served in the Marine Corps from 17 October 1960 to 14 December 1962, when you received an undesirable discharge based on your record of nonjudicial punishment, and your convictions by a summary court-martial and two special-courts martial. Your offenses included multiple periods of unauthorized absence, wrongfully and falsely altering an identification card, failure to obey orders, and breaking restriction. One of the absences was terminated by Canadian authorities, who arrested you for assault with a deadly weapon. You were examined prior to your discharge and found physically qualified for separation. On 8 June 1963, Veterans Administration (VA) officials determined that your service was performed under dishonorable conditions and that you were therefore not eligible for VA benefits.

There is no indication in the available records that you were unfit for duty by reason of physical disability at the time of

your discharge. You would not have been entitled to disability separation or retirement even if you had been disabled at that time, because your undesirable discharge would have taken precedence over disability processing. The Board did not accept your unsubstantiated contention to the effect that you committed the absence offenses because you were forced to seek civilian medical care. Entries in your records indicate that the absences were related to your dissatisfaction with life in the Navy, and your desire to visit your girlfriend. The Board concluded that your service was properly characterized as under other than honorable conditions given your extensive disciplinary record, and that you have failed to demonstrate that it would be in the interest of justice for the Board to upgrade 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