



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

TJR
Docket No: 3599-98
16 April 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 13 April 1999. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 15 January 1968 at the age of 18. Your record shows that on 31 October 1968 you were hospitalized for malaria and a passive aggressive personality. During the period from 11 to 19 November 1968 you underwent three psychiatric evaluations and were diagnosed with a passive aggressive personality disorder and an unsuitable personality.

Your record also shows that you served for nearly a year without disciplinary incident, but on 10 December 1968 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$15. On 14 December 1968 you were again diagnosed with a passive aggressive personality disorder.

Your record further reflects that on 6 February 1969 the discharge authority approved separation action by reason of convenience of the government under an early release program. Shortly thereafter, on 8 March 1969, you were again diagnosed with a passive aggressive personality disorder with a dependent

personality and recommended for separation. Subsequently, your commanding officer requested you be separated under the foregoing early release program. In June 1969 you acknowledged that you were not recommended for reenlistment. On 27 June 1969 you were released from active duty under honorable conditions by reason of convenience of the government, and transferred to the Marine Corps Reserve. At the time of your release you were assigned an RE-4 reenlistment code.

Your record contains a form dated 12 November 1970 which states that your service records fail to show that you received the Purple Heart or that you were wounded in combat.

Subsequently, on 14 January 1974, at the expiration of your six-year military obligation, you were issued a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.7. An average mark of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, and your contentions that you would like your discharge upgraded, your narrative reason for separation and reenlistment code changed, and to receive two Purple Heart medals and a Bronze Star. The Board further considered your contention that you suffered with malaria, witnessed friendly fire that resulted in the deaths of other Marines, and were prevented from initiating investigative action regarding the friendly fire and/or willful misconduct. The Board also considered your contention that you were denied treatment for your post traumatic stress disorder (PTSD). The Board, however, found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge, a change of your narrative reason for separation or reenlistment code, or the issuance of any medals. The Board noted that your conduct average was insufficiently high to warrant an honorable discharge. Further, the Board noted that you were properly separated under an early release program for the convenience of the government and not by reason of the diagnosed personality disorder, as you contend. Further, since you and were not recommended for reenlistment, the RE-4 reenlistment code was appropriate. The Board further noted that there is no evidence in your record, and you submitted none, to support your contention that you are eligible for two Purple Heart medals or a Bronze Star. Furthermore, the Board noted that there is no evidence in your record, and you submitted none, to support your contention of being denied treatment for PTSD at the time of your service. PTSD was not recognized by medical authorities until after your discharge. However, the Board also

concluded that even if you suffered with PTSD during your service, it was insufficiently mitigating to warrant recharacterization. Given all the circumstances in your case, the Board concluded your characterization of service, narrative reason for separation, and reenlistment code were 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