



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

JRE
Docket No: 692-99
24 August 1999



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 29 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 15 November 1978, and denied a history of psychiatric complaints or treatment therefor. You served on active duty in the Marine Corps from 22 November 1978 to 28 June 1980, when you were discharged under honorable conditions by reason of physical disability which existed prior to your enlistment (EPTE) and was not aggravated by your military service. The EPTE finding was based in part on your medical history, which included a belated disclosure that you had been hospitalized for psychiatric observation for 16 days shortly before you enlisted in the Marine Corps. You were awarded a general discharge because of your record of five nonjudicial punishments, and a final conduct mark average 3.5, which is lower than that required for an honorable discharge.

The Board was not persuaded that your discharge without entitlement to disability benefits administered by the Department of the Navy was erroneous or unjust, and it could not find a basis for recommending that your discharge be upgraded 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