



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

CRS
Docket No: 772-08
24 September 2008

[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 17 September 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 28 March 1968. On 9 March 1971 you were convicted by civil authorities of attempted armed robbery. While not shown in the available records, it appears that you were sentenced to confinement for more than one year.

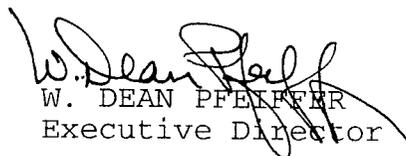
On 15 July 1971 an administrative discharge board recommended that you be separated from the service with an undesirable discharge by reason of misconduct due to civil conviction. The recommendation was approved by the separation authority, and you were separated from the Marine Corps with an undesirable discharge on 6 August 1971.

The Board did not accept your unsubstantiated contention to the effect that you were forced to sign the paperwork for your discharge. As noted above, you were discharged pursuant to the approved findings of an administrative discharge board. The Board concluded that your service was properly characterized with an undesirable discharge, given the serious nature of your civil conviction. The Board was not persuaded that it would be in the interest of justice for it 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