



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

REC
Docket No: 06450-09
13 May 2010

[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 11 May 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.

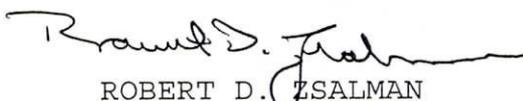
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 30 June 1971, at the age of 19. On 3 January 1972, you received nonjudicial punishment (NJP) for sleeping on post. On 7 March 1972, you received NJP for failure to obey a lawful order. On 2 May 1972, you were counseled and warned that further misconduct could result in administrative separation. On 3 June 1972, you were convicted at a summary court-martial (SCM) for two instances of larceny. You were sentenced to a forfeiture of \$192, reduction in pay grade, and confinement at hard labor for 30 days. On 15 February 1973, you were convicted at a special court-martial (SPCM) for being in an unauthorized absence (UA) status for 165 days. You were sentenced to a forfeiture of \$450, reduction in pay grade, and hard labor for three months. On 30 January 1974, you were convicted at a second SPCM for an additional UA period lasting 61 days. You were sentenced to a forfeiture of \$300, confinement at hard labor for one month, restriction to the base for three months, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 6 February 1975, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of two NJP's and convictions by one SCM and two SPCM's. 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,



ROBERT D. ZSALMAN
Acting Executive Director