



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

CRS  
Docket No: 9737-09  
7 April 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 31 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.

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 27 April 1975. You received nonjudicial punishment on two occasions and were convicted by two special courts-martial. Your offenses included unauthorized absences and disobedience of a lawful order. On 14 February 1975 you were convicted by civil authorities of armed robbery, and sentenced to confinement for a term of not less than five years nor more than ten years.

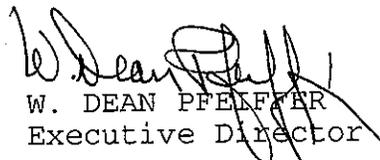
On 2 April 1975 your commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to civil conviction. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 7 April 1975 with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and numerous contentions concerning your civilian trial, but found those factors insufficient to warrant recharacterization of your service, given the very serious nature

of your offense. 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