



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

REC  
Docket No: 09290-10  
19 May 2011

[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 18 May 2011. 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 4 March 1969, at the age of 19. On 26 March 1970, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status and failure to obey a lawful order. On 19 March 1971, you were convicted by a general court-martial (GCM) of an unauthorized absence (UA) of one day, being in an unauthorized area, being disrespectful in language, attempting and escaping from lawful custody, possession of an M-16 rifle not issued to you, stealing government property, two incidents of assaulting a fellow Marine, one incident of unlawfully striking a Vietnamese girl in the face, and four violations of a lawful general order. You were sentenced to a forfeiture of all pay and allowances, reduction in pay grade, confinement for eight months, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 22 February 1972, 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 Vietnam service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your

discharge given your record of one NJP and conviction by a GCM. 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  
Deputy Executive Director

Copy to:

