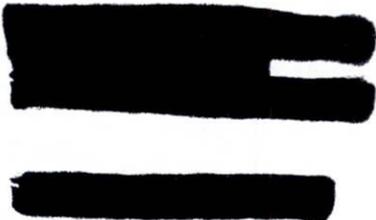




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 03932-11
14 June 2011



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 14 June 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.

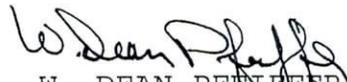
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered active duty in the Marine Corps on 25 April 1972. On 31 July 1972, you entered an unauthorized absence (UA) status. On 17 November 1972, you were in the hands of civil authorities. On 27 February 1975, you were convicted in civil court of burglary and sentenced to two to five years in a state prison. While incarcerated, you were recommended for separation with an other than honorable (OTH) discharge due to civil conviction. You exercised your right to counsel and requested an administrative discharge board (ADB). The ADB found that you had committed misconduct (civil conviction) and recommended separation with an OTH discharge. The separation authority approved the recommendation and on 26 February 1976, you were separated in absentia with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim that your characterization of service was inequitable based on one isolated incident. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to the serious nature of your civil conviction and lengthy period of UA. 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