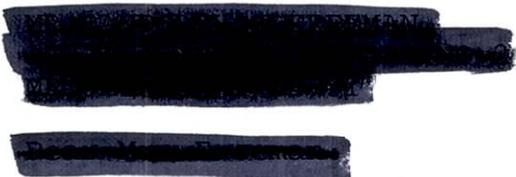




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 00177-12
18 October 2012



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 16 October 2012. 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.

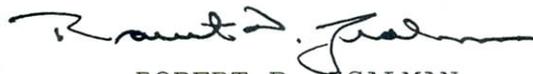
You enlisted in the Marine Corps and began a period of active duty on 21 March 1973. The Board found that during the period from 18 June 1973 to 19 November 1974, you received eight nonjudicial punishments (NJP's) for six instances of disobedience, three periods of unauthorized absence (UA) totaling 14 days, assault, three instances of failing to go to your appointed place of duty, dereliction of duty, and leaving your appointed place of duty. You were also convicted by civil authorities of assault and sentenced to two days in jail. You were also convicted by special court-martial (SPCM) of 82 days of UA. You were sentenced to restriction, hard labor, and a forfeiture of pay. On 23 November 1974, you began a period of UA. You remained in a UA status until 20 March 1975, when you were apprehended by civil authorities for second degree murder and armed robbery. You were convicted and sentenced to 30 to 40 years in jail. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Although the record is incomplete, it appears that after being advised of your procedural rights, you waived the

right to an administrative discharge board (ADB). Your case was forwarded and the separation authority directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 15 August 1975.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and current desire for veterans' benefits. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your eight NJP's, SPCM and convictions by civil authorities of very serious offenses. The Board also noted that it appears you waived an ADB, your best chance for retention or a better characterization of service. 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