



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

SJN
Docket No: 00539-12
24 October 2012

[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 23 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 20 March 1972. The Board found that during the period from 16 August to 6 September 1972, you received three nonjudicial punishments (NJP's) for failure to go to your appointed place of duty, 12 days of unauthorized absence (UA), and being absent from your appointed place of duty. On 7 September 1972, you were psychiatrically diagnosed with a chronic sociopathic personality and as a drug abuse, both of which existed prior to your entry onto active duty. You were further found to be drug dependent. Subsequently, you were notified of pending administrative separation action by reason of unsuitability. You were afforded all of your procedural rights, including the opportunity to submit a statement on your behalf. On 4 December 1972, you were convicted by summary court-martial (SCM) of 48 days of UA. You received restriction, a reduction in paygrade, and a forfeiture of pay. On 14 December 1972, your

case was forwarded and it was directed that you be separated by reason of unsuitability with a general discharge. However, on 23 January 1973, you received a fourth NJP for 27 days of UA and breaking restriction. You received the general discharged on 24 January 1973.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and contention that you were promised an honorable discharge. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given your four NJP's, conviction by SCM, and medical diagnosis that existed prior to your service. Concerning your contention that you were promised an honorable discharge, there is no evidence in the record to support it, and you submitted no such evidence. 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