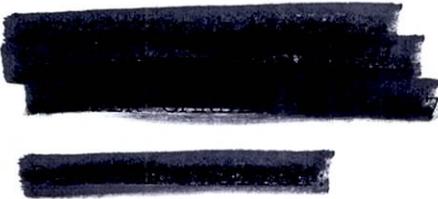




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 627-12  
16 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 11 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 Navy and began a period of active duty on 14 December 1965 at age 18. On 27 August 1966, you received nonjudicial punishment (NJP) for theft of a tape recorder, valued at \$125.00. On 13 June 1967, you were convicted by summary court-martial (SCM) of attempting to steal cigarettes by breaking into another sailor's locker. You received NJP on three additional occasions for two instances of failure to obey a lawful regulation, two instances of failure to go to your appointed place of duty, two instances of unauthorized absence (UA) from your unit for a period totaling 19 days, and missing ship's movement. You remained on active duty until 9 October 1969 when you were released from active duty under honorable conditions at the expiration of your enlistment.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct mark average was 2.8. At the time of your service, a conduct mark average of 3.00 was required for a fully honorable characterization of service.

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 the seriousness and repetitiveness of your misconduct that resulted in four NJPs, a SCM and failure to attain the required average in conduct. The Board believed you were fortunate to receive a general characterization of service, since Marines who have committed misconduct such as yours are normally administratively separated with other than honorable discharges. 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