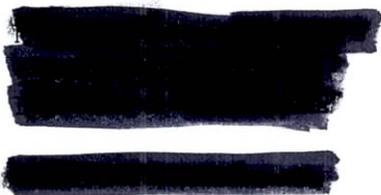




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 00878-12
1 November 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 24 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 12 June 1967, at age 19. On 25 March 1969, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for ten days, and failure to obey a lawful order. On 29 October 1969, you were convicted by a general court-martial (GCM) of wrongfully appropriating an M-14 rifle, assaulting a fellow Marine, and two incidents of assault with intent to commit murder. You were sentenced to forfeitures of all pay and allowances, reduction in pay grade, confinement for eight years, and a dishonorable discharge (DD). The discharge authority directed the execution of your DD. On 23 November 1971, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record, and Vietnam combat service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of an NJP, and a conviction by GCM of very serious offenses. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director