



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

SJN  
Docket No: 04917-12  
27 March 2013

[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 26 March 2013. 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 24 August 1973. The Board found that on 16 May 1974, you were the subject of a psychiatric evaluation, which diagnosed you with an immature personality with antisocial features, and residual brain damage which both existed prior to you entering the service. Subsequently, on 28 June 1974, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed conditions. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 11 July 1974, you were convicted by special court-martial (SPCM) of two specifications of disrespect and three specifications of disobedience. You were sentenced to confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. On 27 September 1974, your commanding general directed separation by reason of unsuitability with a general discharge. You were so discharged on 30 September 1974.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 3.6. At the time of your service, a conduct average of 4.0 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, record of service, and desire to change your characterization of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given your medical diagnoses of a personality disorder and residual brain damage that existed prior to your entry onto active duty and SPCM conviction. 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