



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

JRE

Docket No. 5993-12

9 October 2012

[REDACTED]

[REDACTED]

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 4 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You served on active duty in the Marine Corps from 7 January 1974 to 24 February 1976, when you were discharged under other than honorable conditions for the good of the service in lieu of trial by court-martial for an unauthorized absence of a

duration in excess of 450 days. You completed 11 months and 8 days of creditable service, and with 494 days time lost.

There is no indication in the available records that you were unfit for duty by reason of physical disability that was incurred or aggravated while you were entitled to basic pay in the Marine Corps. You would not have been entitled to disability retirement of separation even if you had been unfit for duty because your discharge for the good of the service would have taken precedence over disability evaluation processing. Accordingly, and as you have not demonstrated that you were discharged in error or that it would be in the interest justice to upgrade your discharge, 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