



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

SJN

Docket No: 02426-13

12 February 2014

[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 11 February 2014. 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.

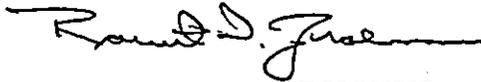
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 16 July 1969. The Board found that on 21 September 1970, you were apprehended by civilian authorities on the charge of possessing stolen property. On 5 February 1971, you were found guilty of possessing stolen property. You were sentenced to two years in confinement. Additionally, you were pending extradition to the state of Illinois for automobile theft. Subsequently, your commanding officer recommended that you receive an undesirable discharge by reason of unfitness. At that time you were in the hands of civil authorities. You were notified of pending administrative separation action and on 22 July 1971, an administrative discharge board (ADB) recommended that you be discharged from the service with an undesirable discharge due to unfitness. Your case was forwarded, and on 2 August 1971, the separation authority approved the recommendation for an undesirable discharge. You were so discharged on 12 August 1971.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and character letter dated 8 December 1971. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your conviction by civil authorities of serious offenses, and the fact that you were pending extradition to the state of Illinois on the charge of automobile theft. 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