



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

SJN
Docket No: 02679-13
2 April 2014

[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 1 April 2014. The names and votes of the members of the panel will be furnished upon request. 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.

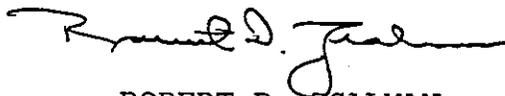
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 21 April 1978. The Board found that during the period from 26 June 1978 to 21 March 1979, you received four nonjudicial punishments (NJP's) for three instances of assault, and two instances of disobedience. On 4 October 1979, you were convicted by general court-martial (GCM) of conspiring to rob another Marine and larceny. You were sentenced to a reduction in paygrade, a forfeiture of pay, confinement at hard labor, and a dishonorable discharge (DD). On 24 November 1980, you were convicted by a second GCM of pointing a cocked and loaded pistol at the head of another Marine, stealing his money and assault. You were sentenced to six years confinement at hard labor, forfeiture of all pay and allowances, a reduction in paygrade and a DD. However, on 5 February 1981, the convening authority approved one year confinement at hard labor, forfeiture of all pay and allowances, a reduction in paygrade and a bad conduct discharge (BCD). You received the BCD on 18 September 1984 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's and GCM convictions of very serious offenses. Accordingly, your application has been denied.

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