



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

SJN  
Docket No: 02688-13  
2 April 2014



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.

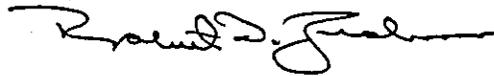
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 22 September 1958. The Board found that during the period from 25 January 1959 to 4 March 1961, you received four nonjudicial punishments (NJP's) for disrespect, failing to go to your appointed place of duty, disobedience, and reckless driving. You were also convicted by summary court-martial (SCM) of disobedience. On 5 July 1962, you were convicted by general court-martial (GCM) of robbery and larceny from another Marine. You were sentenced to a reduction in paygrade, five years of confinement at hard labor, forfeiture of all pay and allowances and a dishonorable discharge (DD). However, on 11 August 1962, the convening authority approved your sentence, but reduced your confinement at hard labor to two years. The record shows that, although you submitted a request for restoration to full duty, it was denied on 12 August 1963, and you received a DD on 23 August 1963 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, record of service, post service accomplishments, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's, SCM, and GCM conviction 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