



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

TAL  
Docket No: 4539-13  
22 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 9 April 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 5 January 1967 at age 17. On 11 December 1969, you were convicted by special court-martial (SPCM) of assault and failure to obey a lawful general order. The sentence imposed was restriction, a forfeiture of pay and reduction in paygrade. You remained on active duty until 23 April 1970, when you were discharged from active duty under honorable conditions at the expiration of your obligated service, based on your disciplinary record and conduct mark average.

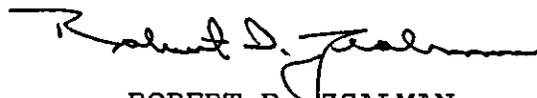
Characterization of service is based in part on your conduct average computed from marks assigned on a periodic basis. Your conduct mark average was 3.6. At the time of your service, a conduct mark average of 4.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an SPCM and failure to attain the required average in conduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Concerning your request for review of your Marine Corps record for eligibility for a Purple Hart Medal, you must forward your request, along with notarized statements to the Commandant of the Marine Corps, Headquarters Marine Corps (Code MMMA-3), 3280 Russell Road, Quantico, VA 22134.

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