



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

TJR
Docket No: 4547-13
29 April 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 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 6 October 1972. You served for about a year without disciplinary infraction, however, during the period from 16 October 1973 to 30 December 1974 you were in an unauthorized absence (UA) status, declared a deserter, and apprehended by civil authorities. The record reflects that these charges were referred for a court-martial. Nonetheless, the record does not contain the disciplinary action taken for this misconduct.

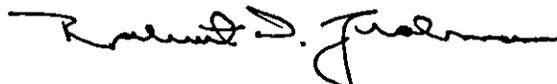
On 23 January 1975 you received nonjudicial punishment (NJP) for a one day period of UA and absence from your appointed place of duty. Shortly thereafter, on 16 March 1975, you were convicted by civil authorities of second degree burglary and sentenced to confinement. As a result, you were notified of administrative separation by reason of misconduct due to civil conviction. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 19 February 1976 an ADB recommended separation under other than honorable

conditions by reason of misconduct due to civil conviction. Subsequently, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to civil conviction. On 26 February 1976 the discharge authority approved these recommendations and directed discharge under other than honorable conditions by reason of misconduct, and on 11 March 1976 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of having family problems that resulted in confinement. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct in both the military and civilian communities. Further, the Board noted that although you were referred to a court-martial, however, it was not awarded, and you were administratively processed for discharge under other than honorable conditions. Finally, there is no evidence in the record, and you provided none, to support your assertion. 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