



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

BJG
Docket No: 5168-13
29 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 29 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. The Board also considered the report of the Naval Discharge Review Board (NDRB) dated 22 September 1972, a copy of which is attached.

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

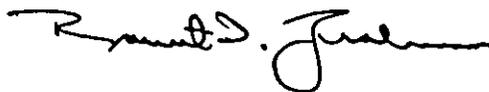
You enlisted in the Marine Corps and began a period of active duty on 10 December 1969. You received nonjudicial punishment (NJP) on two occasions and were convicted by a summary court-martial (SCM) and a special court-martial (SPCM). Your offenses included four periods of unauthorized absence (UA) totaling 146 days, disrespect (two instances), and disobedience of a lawful order. The sentence at your SPCM included a bad conduct discharge (BCD), which was suspended for six months. However,

you received an NJP and SCM after the BCD was suspended, so it was vacated. On 7 September 1971, after appellate review, you received the BCD, and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, allegation that NDRB concluded your discharge was too harsh, and current desire to upgrade your discharge. However, the Board concluded that your BCD should not be changed due to your periods of UA that totaled more than four months and other misconduct. Regarding your allegation, the Board noted that you alleged your discharge was too harsh when it was reviewed by NDRB. You are advised that no discharge is upgraded due solely to the passage of time or post service good conduct. In view of the above, 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