



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

TAL  
Docket No: 5662-13  
30 May 2014

[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 21 May 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.

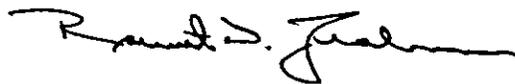
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 16 December 1968 at age 18. You received nonjudicial punishment (NJP) on three occasions for two instances of failure to go to your appointed place of duty, failure to obey a lawful order, and unauthorized absence (UA) from your unit for one day. On 4 August 1972, you were convicted by general court-martial (GCM) of UA from your unit from 9 November 1970 until 11 July 1972, a period of 608 days. The sentence imposed was confinement at hard labor, a forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). On 11 April 1973, you received the BCD after appellate review was complete. On 9 February 1977, you were granted a clemency discharge by Presidential Proclamation 4313 of 16 September 1974. Nevertheless, this recharacterization does not entitle you to benefits administered by the Department of Veterans Affairs.

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 three NJPs, a GCM and a period of UA totaling over one year and eight months. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. Accordingly, 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