



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

TAL  
Docket No: 5714-13  
11 June 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 4 June 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.

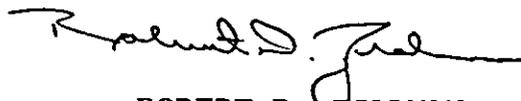
Prior to your entry into the Marine Corps Reserve, you signed an enlistment contract in which you were advised that you were required to attend and participate satisfactorily in at least 48 scheduled drills or training periods during each year and serve on active duty for training (ADT) not less than 14 days. On 7 September 1973 you enlisted in the Marine Corps Reserve and began a period of active duty training. On one occasion you received nonjudicial punish for a five day period of unauthorized absence (UA). On 12 April 1974, you were convicted by special court-martial (SPCM) of UA and using disrespectful language toward a noncommissioned officer. You were released from ADT on 15 May 1974.

You began a period of Marine Corps Reserve participation on 16 May 1974. You were declared an unsatisfactory participant due to missing 66 scheduled drills and an (ADT) period. On 17 December 1975, you were notified by certified mail of pending administrative discharge processing with an undesirable discharge (UD) due to unsatisfactory participation. The Administrative Board Procedure Proposed Action was returned unclaimed. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 16 March 1976, you received the UD for unsatisfactory participation.

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 concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in 66 unexcused drills and ADT period. Finally, there is no provision of law or in Marine Corps 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