



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

TJR  
Docket No: 6922-13  
31 July 2014



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 29 July 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 7 August 1959. You served without disciplinary incident until 23 May 1960, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. About seven months later, on 12 December 1960, you again received NJP for failure to obey a lawful order. Two months later, on 17 February 1961, you were convicted by special court-martial (SPCM) of assault. On 28 December 1961, while in an unauthorized absence (UA) status, you were apprehended, held in confinement by civil authorities, and charged with theft of monies and property.

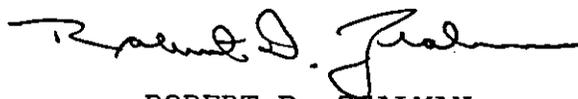
On 5 January 1962 you were convicted by civil authorities of three counts of destruction of public property and two counts of petit larceny. You were sentenced to confinement for 50 days, which was suspended for two years, and probation for two years. Shortly thereafter, on 14 March 1962, you were notified of pending administrative separation processing 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). While awaiting the convening of the ADB, on 28 June 1962, you were convicted by special court-martial of 114 day period of UA. On 8 October 1962, an ADB recommended discharge under other than honorable conditions by reason of misconduct due to civil conviction. Your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct. On 10 October 1962, the discharge authority approved these recommendations and directed an other than honorable discharge by reason of misconduct, and on 17 October 1962, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to recharacterize your discharge, and assertion of being the victim of bias. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in both the military and civilian communities. Finally, there is no evidence in the record, and you submitted 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