



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

TJR  
Docket No: 8403-13  
6 November 2014

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your late husband's 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 28 October 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 husband's 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.

Your husband enlisted in the Marine Corps and began a period of active duty on 28 November 1967. He served for eight months without disciplinary incident, but on 19 July 1968, he received nonjudicial punishment (NJP) for being absent from his appointed place of duty. During the period from 9 November 1972 to 10 May 1974 your husband was convicted, on three occasions, by special court-martial (SPCM) of disobedience and three periods of unauthorized absence (UA) totalling 173 days.

On 26 July 1974, at the expiration of your husband's enlistment, he was discharged under honorable conditions. At that time character of service was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. His conduct average was 3.0, however, an average of 4.0 in conduct was required for a fully honorable characterization of service.

The Board, in its review of your husband's entire record and your application carefully weighed all potentially mitigating factors, such as your desire to upgrade his discharge, and assertion that he was suffering the effects of the Vietnam war. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your husband's discharge because of his repeated and lengthy periods of UA which resulted in three SPCMs, and since his conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, a fully honorable characterization of service is not authorized if a Marine is convicted by more than one SPCM. Finally, there is no evidence in the record, and your 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 J. O'NEILL  
Executive Director