



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001

TAL  
Docket No: 8932-13  
2 October 2014



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 24 September 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 9 February 1970 at age 17. On 14 July 1970, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty, sleeping on watch, wearing unauthorized civilian clothes and wrongful possession of intoxicating beverages. On 4 March 1971, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of 65 days. The sentence imposed was a forfeiture of pay, reduction in paygrade and restriction. You remained on active duty until 21 July 1972, when you were released from active duty and transferred to the Marine Corps Reserve under honorable conditions at the expiration of your obligated service, based on your disciplinary record and conduct mark average.

Characterization of service is based in part on your conduct average computed from marks assigned on a periodic basis. Your conduct mark average was 3.6. At the time of your service, a conduct mark average of 4.0 was required for a fully honorable characterization of service.

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 an NJP, an SPCM and failure to attain the required average in conduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you should contact Headquarters, United States Marine Corps, Deputy Chief of Staff for Manpower and Reserve Affairs (M&RA) (Code MMER), 3280 Russell Road, Quantico, VA 22134-5103 to request that administrative corrections be made to your Certificate of Discharge or Release from Active Duty (DD Form 214) such as, but not inclusive of, the spelling of your name.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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