



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

TJR
Docket No: 818-14
27 January 2015

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 21 January 2015. 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.

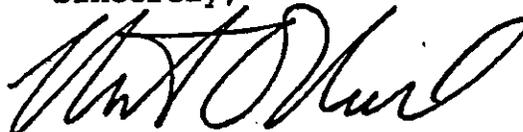
Your husband enlisted in the Marine Corps and began a period of active duty on 14 March 1967. He served for about six months without disciplinary incident, but during the period from 27 November 1967 to 1 November 1968, he was convicted by summary court-martial (SCM) of a nine day period of unauthorized absence (UA) and twice by special court-martial (SPCM) of three periods of UA totalling 70 days, missing the movement of his ship, and breaking stragglers order.

During the period from 31 December 1969 to 24 July 1970, your husband was again in a UA status totalling 181 days. As a result, on 8 September 1970, he submitted an written request for an other than honorable discharge in lieu of trial by court-martial. Subsequently, his request was approved and on 8 September 1970, he was so discharged. Nonetheless, on 27 September 1977, the Naval Discharge Review Board (NDRB) upgraded the characterization of his service to general under honorable conditions based, in part, on his service in combat and receipt of awards and/or medals.

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 the character reference letter in support you're your request. Nevertheless, the Board concluded these factors were not sufficient to warrant further recharacterization of your husband's discharge because of his repeated and lengthy periods of UA totalling 260 days which resulted in three court-martial convictions and his request for discharge to avoid a punitive discharge. Further, a fully honorable characterization of service is not authorized if a Marine is convicted by more than one SPCM. 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 within one year from the date of the Board's decision. 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