



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

CRS
Docket No: 4220-13
19 February 2014

[REDACTED]

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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 11 December 2013. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 8 July 1970. You received nonjudicial punishment on three occasions and were convicted by a special court-martial of an unauthorized absence, violation of a lawful order, disobedience of a lawful order, and absence from your appointed place of duty on two occasions.

On 18 June 1973 you were convicted by civil authorities of felonious breaking and entering and felonious larceny on two occasions. The court sentenced you to confinement for five to seven years.

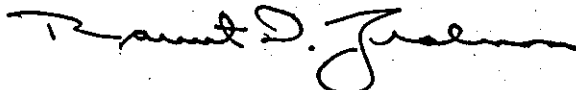
You were notified that you were being administratively separated with an undesirable characterization of service due to your civil conviction. You exercised your procedural right to have your case heard by an administrative discharge board.

On 19 February 1974 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of misconduct due to civil conviction. You were discharged with an undesirable discharge on 14 March 1974.

The Board carefully considered your allegation that your civil court conviction was dismissed in 1985. However, the Board particularly noted that you submitted no evidence to support your allegation. Accordingly, and as you have not demonstrated that your discharge is erroneous or unjust, 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