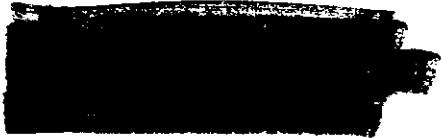




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 4659-13
14 May 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 7 May 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.

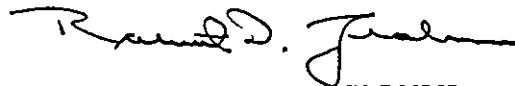
You enlisted in the Marine Corps and began a period of active duty on 29 August 1977. The Board found that on 7 September 1978 and 30 January 1979, you received nonjudicial punishment (NJP) for sleeping on post, two instances of disrespect and disobedience. On 3 April 1979, you were convicted by special court-martial (SPCM) of two specifications of failing to go to your appointed place of duty, disobedience and disrespect. During the period from 16 October 1979 to 29 August 1980, you received four additional NJP's for losing government property, two instances of being absent from your appointed place of duty, two days of unauthorized absence (UA), disobedience, and making a false official statement. On 9 February 1981, you were

convicted by a second SPCM of four specifications of UA totaling 16 days. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 9 April 1981, your request to be restored to full duty was denied, and you received the BCD on 4 November 1982 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your six NJP's and two SPCM convictions. 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