



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 1428-07
30 April 2008

[REDACTED]

[REDACTED]

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 29 April 2008. 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.

You enlisted in the Marine Corps on 19 September 1968 at age 18. The record shows that you then served without disciplinary infractions for about 14 months. During this period, you served in Vietnam from 17 April to 21 December 1969, participated in numerous combat operations and were awarded the Combat Action Ribbon.

On 27 December 1969 you received nonjudicial punishment (NJP) for an unauthorized absence of about eight hours and possession of a false liberty card. On 14 August 1970 you were convicted by a summary court-martial of an 11 day period of unauthorized absence.

On 29 December 1970 you arrived in Vietnam and subsequently participated in combat operations. You left Vietnam on 10 May 1971. While in Vietnam, you received NJP for an absence from your appointed place of duty and disobedience.

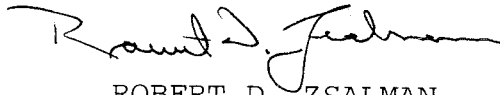
During the period from 9 to 20 July 1971 you received nonjudicial punishment on three occasions. Your offenses were an unauthorized absence of about two days and two absences from your appointed place of duty. Subsequently, you were an unauthorized absentee for about two days for which there is no disciplinary

periods of unauthorized absence and other offenses. It is clear that you knew the consequences of your actions but continued to commit misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director