



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

BJG

Docket No: 1391-12

6 November 2012

[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 6 November 2012. 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 and entered active duty on 10 June 1985. On 27 March 1986, you were convicted by a general court-martial, in accordance with your guilty pleas, of conspiracy to commit larceny, larceny (six specifications totaling \$440.00), making a false statement under oath, and possession of a false identification card. Your sentence included a dishonorable discharge (DD). On 17 July 1987, after appellate review, you received the DD.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, current desire to upgrade your discharge, post service good conduct, and character reference letters. However, the Board concluded that your DD should not be changed due to your serious acts of misconduct. The Board was unable to find that your sentence was unduly harsh or that the approved sentence was highly disproportionate to the offenses you committed. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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,



for ROBERT D. ZSALMAN
Acting Executive Director

Copy to:
Philip E. Simmons, Esq.