



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

TAL
Docket No: 5648-12
29 March 2013

[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 27 March 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 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 30 June 1980 at age 17. You received nonjudicial punishment (NJP) on four occasions for four instances of unauthorized absence (UA) from your unit for a period totaling nine days, drinking alcohol during working hours and failure to go to your appointed place of duty. On 13 October 1981, you were convicted at special court-martial (SPCM) of UA from your unit for one day, larceny of \$60 from another Marine and entering another Marine's barracks room with the intent to commit larceny. The sentence imposed was confinement, a forfeiture of pay and a bad conduct discharge (BCD). On 12 November 1982, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs and a SPCM. The Board found that your record did not contain documentary evidence to support your claim of being physically and sexually assaulted, and you did not supply any. 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 black ink, appearing to read "Robert D. Zsalmán", with a long horizontal flourish extending to the right.

ROBERT D. ZSALMAN
Acting Executive Director