



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

BJG

Docket No: 4391-13

7 April 2014

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This is in reference to your application for correction of your late husband's 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 1 April 2014. 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 husband's 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.

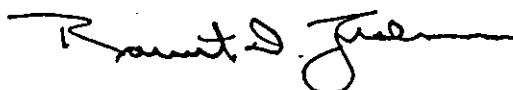
Your husband enlisted in the Marine Corps and entered a period of active duty on 27 February 1968. He was convicted by civil authorities of armed robbery and sentenced to two to five years of confinement. He was then notified of pending administrative separation processing with an under other than honorable (OTH) conditions characterization of service due to misconduct. He elected to exercise his procedural right to have his case considered by an administrative discharge board (ADB). The ADB met, found that he had committed misconduct, and recommended

that he receive an OTH characterization of service. On 7 November 1969, he was discharged with an OTH characterization of service due to misconduct, and assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as his youth and your current desire to upgrade his characterization of service. However, the Board concluded that his discharge should not be changed due to the serious nature of his misconduct. You are advised that no discharge is upgraded automatically 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,



ROBERT D. ZSALMAN  
Acting Executive Director