



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

SJN  
Docket No: 7227-13  
13 August 2014

[REDACTED]

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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 12 August 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 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 7 September 1973. The Board found that on 8 July 1974, you began a period of unauthorized absence that lasted 15 days, ending with your apprehension by civil authorities on 23 July 1974, for breaking and entering a dwelling with the intent to commit a felony. On 6 November 1974, you were convicted and sentenced to four years of probation. On 7 March 1975, you were apprehended by civil authorities and charged with committing a lewd and lascivious act with a 12 year old girl. On 26 March 1975, administrative discharge action was initiated due to your civil conviction of breaking and entering a dwelling. It was recommended that you receive an undesirable discharge by reason of unfitness. You elected to have your case decided by an administrative discharged board (ADB). On 21 May 1975, you appeared in court and pled guilty to committing a lewd and lascivious act with a minor, and sentencing was scheduled for a

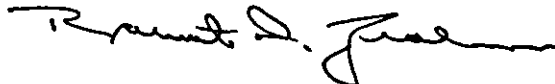
later date. On 2 June 1975, an ADB recommended that you be discharged from the service with an undesirable discharge due to unfitness. Subsequently, your case was forwarded and you received an undesirable discharge on 11 July 1975.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, desire to upgrade your discharge and contention that you were not medically fit to serve in the Marine Corps.

Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your convictions by civil authorities of very serious offenses. Concerning your contention, there is no evidence in the record to support it, and you submitted no such evidence. 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,



ROBERT D. ZSALMAN  
Acting Executive Director