



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

BJG
Docket No: 7720-13
20 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. Your previous case, docket number 7895-02, was denied on 10 June 2003.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 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, and the Board's file on your prior case. The Board also considered the two reports of the Naval Discharge Review Board dated 16 May 1977 and 3 June 1981, copies of which are attached.

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.

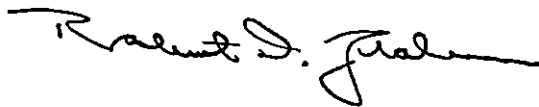
You enlisted in the Marine Corps and began a period of active duty on 8 May 1974. You received nonjudicial punishment on five occasions and were convicted by a special court-martial (SPCM). Your offenses included disrespect (two instances), absence from your appointed place of duty, assault (three instances), and

failure to obey a lawful order. You were then notified that your command was processing you for administrative separation with an other than honorable (OTH) characterization of service due to misconduct. You waived your right to an administrative discharge board (ADB). On 26 March 1976, you received the OTH characterization of service due to misconduct, and were assigned and RE-4 (not recommended for retention) reenlistment code.

The Board considered all potentially mitigating factors, such as your youth, character reference letters, and post service good conduct. However, the Board concluded that your discharge should not be upgraded due to your acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Finally, you are advised that the mere passage of time or post service good conduct do not require that a discharge be upgraded. In view of the above, the Board voted to again deny relief. 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

Enclosures