



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 3546-08  
12 May 2009

[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 May 2009. 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.

The Board found that you enlisted in the Marine Corps on 23 May 1978. You received two nonjudicial punishments and were convicted by a summary court-martial for offenses that included unauthorized absences, failure to obey a lawful order, violation of a lawful general order, possession of a bayonet in locker, possession of alcohol in the barracks, willful disobedience of a lawful order, disrespect, possession of marijuana, and communication of a threat.

On 29 May 1981 your commanding officer recommended that you be separated from the Marine Corps with a discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

The recommendation was approved by the separation authority, and you were separated with a discharge under other than honorable conditions on 25 June 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that bipolar disorder caused your misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge,

given your extensive disciplinary action, and the absence of credible evidence that shows you suffered from bipolar disorder while in the Marine Corps. 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