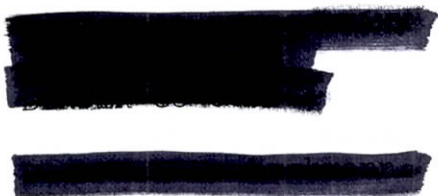




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 00464-12
25 October 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 24 October 2012. 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 22 September 1977. On 20 March 1978, you received nonjudicial punishment (NJP) for disobeying a lawful written order by having possession of alcohol in the barracks. On 3 April 1978, you commenced a period of unauthorized absence (UA) that lasted 36 days. Your chain of command determined not to take any disciplinary action against you. It was discovered that in your in processing paperwork, you documented that you had completed the tenth grade. However, official documentation received from your school showed that you only completed the ninth grade. On 28 November 1978, you were advised that your commanding officer was recommending you for administrative separation with a general discharge due to fraudulent enlistment. You waived all of your procedural rights. On 29 November 1978, your commanding officer forwarded his

recommendation that you be discharged with a general characterization of service by reason of misconduct (fraudulent enlistment). On 30 November 1978, the discharge authority directed a general discharge by reason of misconduct (fraudulent enlistment). On 1 December 1978, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, separation code, or date of discharge, given your record of one NJP for misconduct, and fraudulent enlistment. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. The Board found that your dates of service are correct. 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