



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

SJN  
Docket No: 00554-12  
24 October 2012

[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 23 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 9 December 1986. The Board found that on 26 August 1987, you were assigned to a weight control program. On 24 August and 22 September 1987, you were counseled with regard to losing weight, and warned that failure to adhere to the program could result in administrative discharge action. On 11 February 1988, you received nonjudicial punishment (NJP) for wrongful possession of cocaine. You received a reduction in paygrade and a forfeiture of pay. Subsequently, based on the information currently contained in your record you were involuntarily processed for separation due to unsatisfactory performance. After being afforded all of your procedural rights, your commanding officer forwarded his recommendation that you be administratively separated due to your failure to meet weight standards. On 20 May 1988, the separation authority concurred and directed that you receive a general discharge. You were so discharged on 13 June 1988.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for wrongful drug possession and failure to adhere to your command's weight control program. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

With regard to the Montgomery GI Bill (MGIB), as stated in the Naval Discharge Review Board review of 15 July 2004, the Department of Veterans Affairs (DVA) determines eligibility for post service benefits, and that your time in service of less than three years could limit the receipt of some benefits, to include the MGIB. If you have been denied benefits, you should appeal that denial under procedures established by the DVA.

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