



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

TAL  
Docket No: 5638-12  
22 March 2013

[REDACTED]

[REDACTED]

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 20 March 2013. The names and votes of the members of the panel will be furnished upon request. 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 27 August 1981 at age 19. You received nonjudicial punishment (NJP) on four occasions for two instances of failure to obey a lawful order, failure to go to your appointed place of duty, insubordinate conduct toward a commissioned officer, and breaking restriction. On 14 October 1983, you were convicted by summary court-martial (SCM) of breaking restriction, and insubordinate conduct toward a superior noncommissioned officer. Based on the information currently contained in your record it appears that you were subsequently processed for administrative separation due to misconduct. In connection with this processing, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (minor disciplinary infractions).

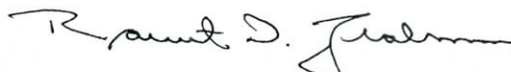
You would have consulted with legal counsel, and elected to present your case to an administrative discharge board (ADB). Subsequently the ADB found that you committed misconduct and recommended that you be separated with an OTH discharge. The record clearly shows that on 20 December 1983, you were discharged with an OTH discharge (minor disciplinary infractions).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs and a SCM. 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