



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

SJN  
Docket No: 02655-13  
2 April 2014

[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 1 April 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.

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 1 March 1989. The Board found that during the period from 23 February to 1 October 1990, you received three nonjudicial punishments (NJP's) for six instances of being absent from your appointed place of duty, disobedience, and three instances of missing restricted musters. Additionally, you were counseled on six separate occasions regarding your conduct and performance, and warned that further misconduct could result in administrative discharge action. Subsequently, administrative separation action was initiated to separate you by reason of misconduct due to alcohol rehabilitation failure and minor disciplinary infractions. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you were an alcohol rehabilitation failure, committed misconduct due to minor disciplinary infractions, and recommended discharge under other

than honorable (OTH) conditions. Your commanding officer forwarded your case concurring with the ADB's findings and recommendation. On 6 December 1990, the separation authority directed an OTH discharge by reason of misconduct. On 13 December 1990 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would automatically be upgraded. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, failure to adhere to your command's alcohol rehabilitation program, and the fact that you were warned on numerous occasions, of the consequences of further misconduct. The Board noted that the administrative separation process includes the requirement that commands process service members for all reasons for which minimum criteria are met. This enabled the separation authority (SA) to approve discharge for the most appropriate reason. In this regard, although you were notified that you your being administratively separated due to alcohol rehabilitation failure and misconduct, the SA directed that you be processed due to misconduct. Further, separation for misconduct normally takes precedence over all other reasons for discharge. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically due solely to the passage of time. 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