



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

TJR
Docket No: 5297-13
30 May 2014

[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 28 May 2014. 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 begin a period of active duty on 14 May 1995. You served without disciplinary incident until 25 October 1997, when you were convicted by civil authorities of false impersonation and burglary. Shortly thereafter, on 12 December 1997, received nonjudicial punishment (NJP) for wrongfully changing a photograph on a military identification card, three specifications of wrongful appropriation of military identification cards, three specifications of falsely tampering with identification cards, and three specifications of wrongful possession with intent to defraud.

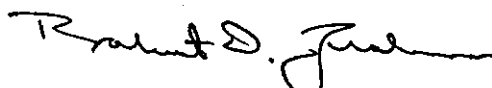
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board in exchange for a recommendation for a general discharge. In this regard, on 20 April 1998, you submitted a written request

for a general discharge. However, on 23 April 1998, your commanding officer denied your request and recommended an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 30 April 1998, the discharge authority approved this recommendation and directed separation by reason of misconduct due to commission of a serious offense. On 8 May 1998 you were issued an other than honorable discharge by reason of misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct in both the military and civilian communities. Accordingly, your application has been denied.

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