



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

BJG
Docket No: 2447-14
29 May 2014

[REDACTED]

[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 28 May 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. In addition, the Board considered the reports of the Naval Discharge Review Board (NDRB), dated 15 September 1983 and 9 December 1987, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

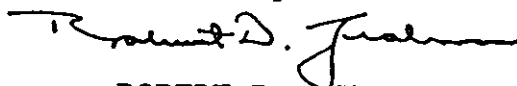
You enlisted in the Marine Corps and entered a period of active duty on 18 August 1978. You received nonjudicial punishment (NJP) on eight occasions and were convicted by a summary court-martial. Your offenses included failure to go to your appointed place of duty (seven instances), failure to obey a lawful order (two instances), unauthorized absence (two days), disrespect (two instances), use of provoking language (two instances),

willfully disobeying a lawful order, absence from your appointed place of duty, and failure to obey a lawful order (two instances). You were notified that your command was recommending you for administrative separation with an other than honorable (OTH) characterization of service due to misconduct. You exercised your procedural right to have your case considered by an administrative discharge board (ADB). The ADB found you committed misconduct and recommended an OTH characterization of service due to misconduct. You were so discharged on 10 September 1982 in pay grade E-1 and assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board considered all potentially mitigating factors, such as your youth, post service good conduct, and current desire to upgrade your characterization of service and reenlistment code. However, the Board concluded that no relief was warranted in your case because of your numerous acts of misconduct and non-recommendation for reenlistment. The Board did not find the OTH characterization of service overly harsh in light of your nine disciplinary actions, which included one NJP after your ADB. Regarding your counsel's contention that your record was incomplete before your ADB and NDRB, the Board used the presumption of regularity that attaches to all naval records and noted that if an NJP appeal is granted in full, the NJP would not be in your record. In view of the above, 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

Enclosures

Copy to:
