



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 6431-07  
13 May 2008

[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 6 May 2008. 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 reenlisted in the Marine Corps on 30 October 1981 after three years of prior honorable service. You continued to serve without disciplinary incident until 28 March 1983, when you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana. The punishment imposed was reduction to paygrade E-4, a \$834 forfeiture of pay, and an unspecified period of restriction. Subsequently, you appealed this NJP, but your appeal was denied.

On 19 June 1985 you were convicted by special court-martial (SPCM) of theft for uttering a worthless check for merchandise in the amount of \$100 and six specifications of forgery for signing checks in the amount of \$600. You were sentenced to confinement for three months, an \$800 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for restoration to duty. However, your request was denied, and after the BCD was approved at all levels of review, on 24 October 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and the passage of time. It also considered your assertion that your discharge had been previously upgraded. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct, which also included drug abuse. Further, there is no evidence in the record, and you submitted none, to support your assertion that your discharge has been upgraded. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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