



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

CRS  
Docket No: 1632-08  
12 May 2009

[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 6 May 2009. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 31 March 1983. You received two nonjudicial punishments and were convicted by a general court-martial for offenses that included unauthorized absences and possession of marijuana.

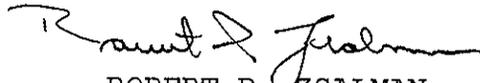
Although the discharge processing documents are not in your record, it appears that your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. You were separated from the Marine Corps by reason of misconduct on 23 May 1983 with a discharge under other than honorable conditions.

The Board did not accept your contention to the effect that you were held on active duty beyond your expiration of active obligated service date. It noted that your obligated service was properly extended for approximately four months so that you could make up the time lost you incurred as a result of your unauthorized absences and confinement. The Board concluded that your service was properly characterized by a discharge under other than honorable conditions, and that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge as a matter of clemency. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN  
Acting Executive Director