



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

SMS  
Docket No: 8405-08  
14 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 13 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.

On 17 July 1990, you enlisted in the Marine Corps at age 17 with parental consent. On 8 October 1991, you had nonjudicial punishment (NJP) for failure to go to your appointed place of duty and three instances of disobedience of a lawful order. You were also counseled regarding your misconduct and warned that further infractions could result in administrative separation. On 19 November 1991, suspended punishment from the NJP was vacated. During the period 19 December 1991 to 24 March 1992, you were counseled on three occasions regarding unsatisfactory performance, suspension of base driving privileges, writing worthless checks, and frequent discreditable involvement. On 26 March and 6 October 1992, you had NJP for disobedience and failure to obey a lawful order, and damage to government property through neglect.

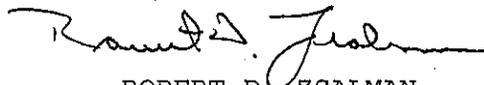
On 7 January 1993, your commanding officer initiated administrative separation by reason of misconduct due to minor disciplinary infractions. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and elected to have your case heard by an administrative discharge board (ADB). On 19 March 1993, an ADB convened and found that you were guilty of misconduct due to minor disciplinary infractions, and recommended an OTH discharge. On 11 June 1993, the

separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to minor disciplinary infractions. On 23 June 1993, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, and subsequent periods of honorable service and current active duty status in the Army National Guard. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in administrative separation. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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