



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

BAN
Docket No: 01549-09
12 May 2009

[REDACTED]

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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 2 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 18 March 1992, and served without disciplinary incident until 17 June 1993, when you were counseled regarding displaying poor judgment pertaining to civil matters. Additionally, on 6 June 1994, you were not recommended for promotion due to your lack of maturity and sound decision making.

Shortly thereafter, you received the following actions: on 28 December 1994, you were counseled for poor decision making regarding your spouse; on 22 November 1996, you were involved in an altercation with your spouse, off base, which resulted in a military protective order against you; on 14 May 1998, you were counseled for falsely representing yourself in civil court; on 22 June 1998, you were counseled for being disrespectful in language to a senior noncommissioned officer during a live fire exercise; and on 27 August 1998, you were counseled again for failure to

obey a lawful order.

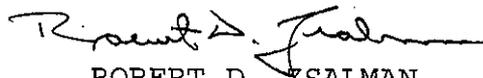
Further, on 10 September 1998, you received nonjudicial punishment for unauthorized absence and disobeying a lawful order. Furthermore, on 15 June 1999, you were counseled again for poor living conditions while living at the bachelor enlisted quarters. Therefore, on 23 January 2000, after you had completed your obligated service, you were not recommended for retention by your commanding officer, separated with an honorable discharge and assigned an RE-3C reenlistment code for non-retention on active duty due to your disciplinary issues.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code due your poor judgment and disciplinary issues. 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