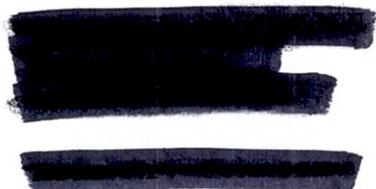




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 00469-12
25 October 2012



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 24 October 2012. 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 and began a period of active duty on 15 April 1977. Your record is incomplete, but on 15 December 1978, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 22 January 1979, a Medical Board conducted a review and recommended that you be discharged by reason of a diagnosed atropic dermatitis which existed prior to your enlistment. On 16 April 1979, you received NJP for being disrespectful toward a commissioned officer on two occasions. On 25 May 1979, you received NJP for reporting to an inspection with a unclean belt. On 13 July 1979, you received NJP for failure to go to your appointed place of duty, disobeying a lawful order, and being disrespectful in language. On 18 October 1979, you received NJP for failure to obey a lawful order on two occasions. On 25 October 1979, you were discharged with a general characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of five NJP's for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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