



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

TAL  
Docket No: 692-12  
31 October 2012

[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 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 25 November 1975 at age 17. You received nonjudicial punishment (NJP) on two occasions for unauthorized absence (UA) from your unit for a period of 13 days and three instances of failure to obey a lawful order. On 22 November 1977, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 87 days. The sentence imposed was confinement for two months, and a forfeiture of pay. On 12 January 1978, you were counseled concerning your poor performance and attitude and the possibility of a recommendation for expeditious discharge. Consequently, you were discharged due to convenience of the government (expeditious discharge) with a general characterization. At that time you were assigned an RE-4 reenlistment code, which means that you were neither recommended nor eligible for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change to your reenlistment code given the seriousness of your misconduct that resulted in two NJPs and a SPCM conviction. The Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Marine has 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