



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

BAN  
Docket No: 05192-12  
27 March 2013



This is in reference to your application for correction of your deceased brother's 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 20 March 2013. 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, his 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.

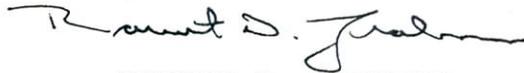
Your late brother enlisted in the Marine Corps on 22 February 1979, and served without disciplinary incident until 12 December 1979, when he received nonjudicial punishment (NJP) for an unauthorized absence (UA). Shortly thereafter, he received the following NJP's: on 12 December 1979, for a general order violation by altering a military identification card; on 15 April 1980, for UA; on 29 April 1980, for leaving his post without being properly relieved; and on 18 June 1980, for failure to obey a lawful order and UA. Additionally, on 2 September 1980, he was convicted at a special court-martial of two specifications of UA in excess of 30 days. He was then recommended for separation with an other than honorable (OTH) discharge due to misconduct. He waived his rights to consult with counsel and an administrative discharge board (ADB). Therefore, the separation authority approved the recommendation, and on 23 December 1980,

he was separated with an OTH discharge due to misconduct and an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of his entire record and application, carefully weighed all potentially mitigating factors, such as his youth and claim of hyperthyroidism. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to his characterization of service due to his 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