



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

SJN
Docket No: 05247-12
27 March 2013

[REDACTED]

[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 26 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, 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 reenlisted in the Marine Corps on 14 January 1987, after six years of prior honorable service. The Board found that on 15 June 1987 and 27 April 1988, you were convicted by civil authorities of two instances of driving while intoxicated (DWI). As a result of your second DWI, you were sentenced to 16 days in jail, which was to be performed on weekends. A medical evaluation dated 5 July 1988, stated that you were found not to be alcohol dependent. Subsequently, administrative discharge action was initiated by reason of misconduct due to civil conviction. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded and the discharge authority directed that you be separated under other than honorable conditions by reason of misconduct due to civil conviction. You were so discharged on 12 September 1988.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, desire to change your characterization of service and belief that your characterization of service would automatically

change after six months. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your two civil convictions of DWI. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. 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