



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

CRS
Docket No: 9618-12
1 April 2014

[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 25 September 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.

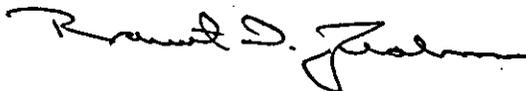
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 25 July 1998 after more than seven years of prior active service. A special court-martial convened on 28 March 2001 and found you guilty of wrongfully fraternizing with an enlisted female on three occasions, and dishonorably failing to pay just debts. The court sentenced you to hard labor for 30 days, confinement for 30 days, and reduction in rate. On 3 August 2001 you received a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. The specific facts and circumstances of your discharge processing are not contained in the available record.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and family problems. The Board concluded that these factors were insufficient to warrant recharacterization of your service due to the serious nature of your 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalm".

ROBERT D. ZSALMAN
Acting Executive Director