



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

SJN
Docket No: 13172-12
16 October 2012

[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 10 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.

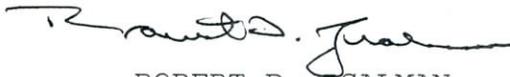
You enlisted in the Marine Corps and began a period of active duty on 16 March 1992. The Board found that on 12 June 1992, you were counseled regarding deficiencies in your military appearance. You were offered assistance through your commands weight control officer. Additionally, you were warned that further deficiencies in your appearance would result in administrative discharge action. On 26 January 1993, you received nonjudicial punishment (NJP) for wrongfully maltreating and assaulting another Marine and disobedience. You received a reduction in paygrade, a forfeiture of pay, and extra duty. Although the record is incomplete, you remained on active duty until 15 January 1994, when you received a general discharge by reason of unsatisfactory performance by failing to conform to weight standards. At that time, you were not recommended for retention.

Characterization of service is based in part on conduct averages computed from marks assigned on a periodic basis. Your conduct average was 3.8. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given your NJP, failure to conform to weight standards, and failure to attain the required average in conduct. 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