



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

SJN
Docket No: 01420-13
15 January 2014

[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 14 January 2014. 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.

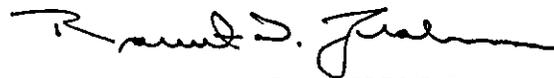
You enlisted in the Marine Corps and began a period of active duty on 22 October 1986. The record reflects that on 23 July 1987, you were medically diagnosed as an alcohol abuser. It was recommended that you attend Level II inpatient alcohol rehabilitation. On 10 September 1987, you received nonjudicial punishment (NJP) for dereliction of duty by willfully failing to complete Level II inpatient treatment. On 17 September 1987, you were counseled regarding your alcohol abuse and failure to adhere to the rules and regulations governing good order and discipline. You were warned that further misconduct could result in administrative discharge action. On 24 September 1987, you received a second NJP for breaking restriction. You received a forfeiture of pay, restriction, and extra duty. Additionally, you were counseled and warned again, that further misconduct could result in administrative discharge action. On 20 June 1988, were counseled regarding your continual abuse of alcohol that resulted in two incidents of driving under the influence. On 24 July 1988, you began a period of unauthorized absence (UA) that lasted 52 days, ending on 14 September 1988. On 29 September 1988, you submitted a written request for an other

than honorable (OTH) discharge in order to avoid trial by court-martial for 52 days of UA. Prior to submitting this request for discharge, you conferred with a qualified military lawyer, were advised of your rights, and were warned of the probable adverse consequences of accepting such a discharge. Subsequently, your request for discharge was granted, and on 6 October 1988, you received an OTH discharge in lieu of trial by court-martial. As a result of this action, you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, failure to adhere to your command's alcohol rehabilitation program, lengthy period of UA, and request for discharge. The Board believed that considerable clemency was extended to you when your request for discharge was approved. The Board also concluded that you received the benefit of your bargain with the Marine Corps when your request for discharge was granted and should not be permitted to change it now. 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