



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

SJN
Docket No: 01805-13
16 January 2014



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.

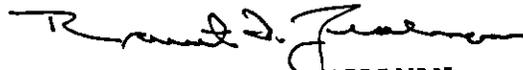
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 10 September 1992. The Board found that during the period from 26 May 1993 to 25 October 1995, you received five nonjudicial punishments (NJP's) for driving under the influence of alcohol, underage drinking, two instances of being absent from your appointed place of duty, and two instances of disobedience. Additionally you were counseled and warned on eight occasions that further misconduct could result in administrative discharge action. Subsequently, on 9 January 1996, administrative separation action was initiated to separate you by reason of misconduct due to minor disciplinary infractions. 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 to the separation authority recommending an under other than honorable (OTH) discharge by reason of misconduct. The separation authority concurred and directed an OTH by reason of misconduct due to minor disciplinary infractions. You were so discharged on 13 February 1996.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, and character letter. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your five NJP's, numerous counseling's, and the fact that you were warned of the consequences of further misconduct. Finally the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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