



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

TAL  
Docket No: 4305-13  
14 May 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 7 May 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.

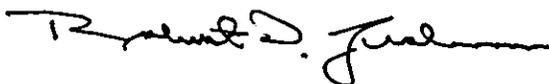
You reenlisted in the Marine Corps on 27 June 1980 after two years of prior honorable service. You were arrested by the San Diego, California police department for wrongful possession of cocaine. On 13 January 1982, you were placed on six to 24 months probation by the Municipal Court of California, San Diego, California, as a result of your motion for diversion. The proceeding was suspended on the condition that you participated in a drug education, rehabilitation or treatment program, and to notify the probation department of any arrest or additional charges. On 21 January 1982, you were convicted in Municipal Court in California of malicious damage or destruction of the property of another. The sentence imposed was to pay a fine of \$100 and to have no contact with the victim without written permission. You were notified of pending administrative discharge processing with an other than honorable (OTH)

discharge due to misconduct (civil conviction). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 25 March 1982, you received the OTH discharge for misconduct (civil conviction).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two civil convictions. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Finally, there is no provision of law or in Marine Corps regulations that allows for recharacterization of service 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