



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

TJR
Docket No: 6050-13
6 June 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 3 June 2014. The names and votes of the members of the panel will be furnished upon request. 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 14 July 1992. You served for about a year and four months without disciplinary incident, but on 4 November 1993, you received nonjudicial punishment (NJP) for indebtedness.

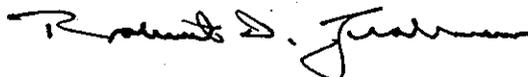
On 15 August 1994 you began a period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities on 30 August 1994. As a result, you were charged with theft of an automobile and held in confinement pending trial for the offense. While in custody of civil authorities, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, on 4 November 1994, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 5 January 1995, the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 13 January 1995, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge for employment purposes, and assertion that your discharge had been previously recharacterized. It also considered your request for a copy of your Certificate of Release or Discharge from Active Duty (DD Form 214). Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in both the military and civilian communities. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

Regarding your request for a DD Form 214, you may obtain a complete copy of your naval record by submitting the enclosed Request Pertaining to Military Records, SF 180, to National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

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

Enclosure