



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

TJR  
Docket No: 6082-13  
26 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 24 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 reenlisted in the Marine Corps on 17 September 1985 after six years of prior satisfactory service. You continued to serve for about two years and seven months without disciplinary incident, but during the period from 9 December 1987 to 5 March 1988, you received nonjudicial punishment (NJP) on three occasions for three periods of unauthorized absence (UA) totalling 27 days and two periods of absence from your appointed place of duty.

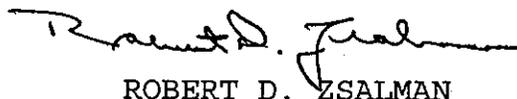
Subsequently, you were processed for an administrative separation by reason of misconduct due to minor disciplinary infractions. After waiving your procedural rights, on 23 March 1988, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to minor disciplinary infractions. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 15 April 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service, desire to upgrade your discharge, and assertion of not being afforded proper legal representation. It also considered your request for copies of documents contained in your naval record. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, there is documented evidence in the record which is contrary to your assertion of not being afforded proper and/or adequate legal representation. Accordingly, your application has been denied.

Regarding your request for documents contained in your naval record, you may obtain a complete copy of your 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