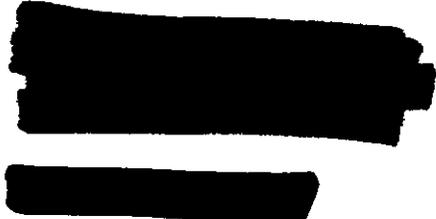




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 6325-13  
24 July 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 9 July 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.

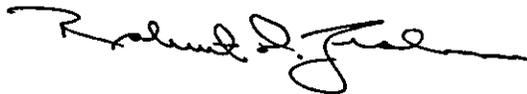
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corp and began a period of active duty on 27 July 1981 at age 18. You received nonjudicial punishment (NJP) on three occasions for four instances of failure to go to your appointed place of duty, wrongful use of marijuana, and failure to obey an order given by a superior commissioned officer. On 2 December 1982, you were evaluated and assigned to the weight control program. You were counseled and warned that your failure to conform to the Marine Corps weight and appearance standards could result in administrative discharge action. On 7 March 1985, you were notified of pending administrative discharge processing with a general discharge due to unsatisfactory performance. You waived all of your procedural rights. On 4 April 1985, you received the general discharge for unsatisfactory performance, and were assigned an RE-3B reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs and the fact you did not adhere to your command's remedial weight control program. Finally, there is no provision of law or in Marine Corps regulations that allows for recharacterization of service due solely to 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