



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

BC
Docket No: 00334-14
1 August 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 30 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.

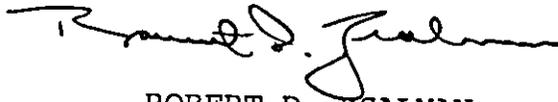
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 9 September 1997. On 17 June 1998, you received counseling concerning your substandard performance by failing the physical fitness test. On 14 March 2000, you received nonjudicial punishment (NJP) for larceny of seven video tapes and a piggy bank worth \$92 from a fellow Marine. Between 22 May 2003 through 29 June 2004, you received four additional counseling's concerning your failure to obey an order, bad judgment, lack of responsibility, being absent from your appointed place of duty and failure to exhibit military bearing. On 27 September 2008, you signed an acknowledgment that you were being assigned an RE-1B (recommended, eligible and requested retention but denied by Commandant of the Marine Corps) reentry code. You were discharged on 15 January 2009, in pay grade E-5 with an honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors present in your case. However, the Board found those factors were insufficient to warrant any change in your reentry code, given your record of NJP for misconduct and other inappropriate behavior. The Board also noted that you were fortunate to receive an honorable discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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