



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

TJR
Docket No: 3154-13
19 February 2014

[REDACTED]

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 19 February 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 17 June 2002. You served for about six months without disciplinary incident, but during the period from 12 December 2002 to 1 April 2003, you received nonjudicial punishment (NJP) on two occasions and were convicted by special court-martial (SPCM). Your offenses were theft (PlayStation 2 two specifications), disrespect, three specifications of larceny (PlayStation 2, PlayStation 2 games, \$480 from a fellow Marine), and unlawful entry to commit criminal offenses.

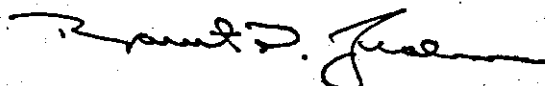
On 7 August 2004 you were again convicted by SPCM of making a false official statement and theft of a PlayStation 2. You were sentenced to confinement for six months and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 7 June 2007 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and post service conduct, which also included the background screening documentation

provided with your application. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included theft from a fellow Marine and resulted in two NJPs and two SPCMs. Accordingly, your application has been denied.

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