



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

SJN

Docket No: 6679-13
30 July 2014

[REDACTED]

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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 29 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.

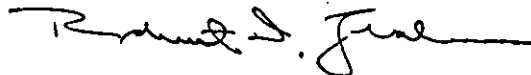
You enlisted in the Marine Corps and began a period of active duty on 27 October 1992. The Board found that on 31 March 1993, you received nonjudicial punishment (NJP) for 11 days of unauthorized absence. You received a forfeiture of pay, restriction and extra duty. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. On April 1993, you were authorized permission to attend religious services, and instructed to return to your command at a pre-determined time. Instead, you became intoxicated and did not return until after the time you were to report. On 18 April 1993, you broke restriction, and were arrested by civil authorities on 19 April 1993 for armed robbery of an elderly woman. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative

discharge board (ADB). On 1 August 1993, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 3 September 1993, you pled guilty to aggravated robbery and were sentenced to a year in jail, a fine, restitution to the victim, and a period of probation. On 27 December 1993, the separation authority concurred and directed an OTH discharge by reason of misconduct. On 30 December 1993, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP, the fact that you were warned of the consequences of further misconduct, and civil conviction of a very serious offense. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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