



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

BC
Docket No: 00451-14
22 May 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 21 May 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 26 July 1999. On 22 November 2010, you received nonjudicial punishment (NJP) for three incidents of failure to obey a lawful order, making a false official statement and soliciting a fellow Marine to falsify the guard log book. You were separated on 9 December 2012, with an honorable discharge due to non-retention on active duty and assigned an RE-3C (when directed by the Commandant of the Marine Corps or when eligible and disqualifying factor is not covered by any other code) reentry code.

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. 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