



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

SJN

Docket No: 8881-13

1 October 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 30 September 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 24 October 1973. The Board found that during the period from 4 April 1975 to 14 March 1976, you received four nonjudicial punishments (NJP's) for two instances of disobedience, making a false official statement, four periods of unauthorized absence (UA) totaling 11 days, and dereliction of duty. On 17 November 1976, you were convicted by special court-martial (SPCM) of three specifications of being absent from your appointed place of duty, 21 days of UA, and two specifications of disobedience. You were sentenced to confinement at hard labor. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). On 3 January 1977, you received a fifth NJP for being absent from your appointed place of duty. On 26 January 1977, your case was forwarded recommending that you be discharged under other than

honorable (OTH) conditions by reason of misconduct. The separation authority concurred and directed an OTH discharge by reason of misconduct. You were so discharged on 24 February 1977.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, 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 five NJP's, one of which was after you were notified you were being administratively separated from the service, and SPCM conviction of serious offenses. The Board also 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 J. O'NEILL  
Executive Director