



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001

TAL
Docket No: 8954-13
2 October 2014



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 24 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.

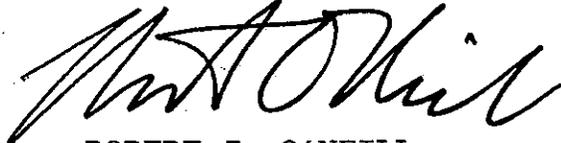
You enlisted in the Marine Corps and began a period of active duty on 20 January 1995 at age 23. You received nonjudicial punishment (NJP) on two occasions for wrongful appropriation of compact disks, wrongful possession of another Marine's clothing items, making a false official statement, and wrongfully impersonating a corporal. On 30 March 1999, you were convicted by summary court-martial (SCM) of wrongful procession and use of marijuana, six instances of having sexual intercourse with a woman not your wife and wrongfully trying to impede an investigation. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for separation by reason of misconduct. In connection with this processing, you would have

acknowledged the separation action and the separation authority would have approved a recommendation for separation. The record clearly shows that on 30 April 1999, you were discharged with an other than honorable (OTH) separation due to misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that resulted in two NJPs and an SCM. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director