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

BC
Docket No: 04500-14
17 November 2014

5 U.S.C. 552(b) (6)

Dear 5 U.S.C. :

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 13 November 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 on 5 February 1975. About five months later, on 11 July 1975, you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). On 5 January 1977, you were convicted by a summary court-martial (SCM) of two periods of UA totaling 85 days, and on 29 January 1977, you received NJP for two periods of UA totaling 116 days.

On 22 February 1978, you received NJP for a seven day period of UA. Five months later, on 11 July 1978, you were convicted by a special court-martial (SPCM) of two periods of UA totaling 78 days, and was sentenced to a $530 forfeiture of pay, reduction in pay grade, confinement for two months and a suspended bad

conduct discharge (BCD). However, on 21 December 1978, the BCD was vacated and on 6 March 1979, you were so discharged.

The Board, in its review of your application, considered all potentially mitigating factors present in your case, such as your record of service and post service diagnoses of post-traumatic stress disorder. Nevertheless, the Board found those factors insufficient to warrant changing the characterization of your discharge given your record of NJPs and convictions by SCM and SPCM. 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 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,

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director