



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

TAL
Docket No: 172-14
23 October 2014

5 USC 522(b)(5)

Dear 5 USC 522(b)(5)

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 16 October 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 and began a period of active duty on 12 October 1967. On 30 August 1968, you were convicted by summary court-martial (SCM) of using disrespectful language toward a noncommissioned officer and failure to obey a lawful order. On 9 September 1968, you received nonjudicial punishment for unauthorized absence (UA) from your unit. You were convicted by special court-martial (SPCM) on two occasions of missing ship's movement, disobeying a lawful order, UA from your unit and failure to obey a lawful order. On 16 May 1969, you were again convicted by SPCM for two instances of UA from your unit totaling a period of 12 days and failure to go to your

appointed place of duty. The sentenced imposed was confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 10 October 1969, you received the BCD after appellate review was complete.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertions that you were denied medical treatment in the field, were given false information by your counsel, and you suffer from post-traumatic stress disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct. Regarding your assertion of suffering from PTSD, the Board noted that you did not provide a diagnosis and that the severity of your misconduct outweighed the mitigation of your possible diagnosis. Finally, there is no evidence in the record, and you provided none, to support your assertions of being denied medical treatment and receiving false information from your counsel. 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 USC 522(b)(5)

ROBERT J. O'NEILL
Executive Director