



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

TJR

Docket No: 12849-14/
5856-12

17 December 2014

[REDACTED]

Dear [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 16 December 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. In addition, the Board considered the Naval Discharge Review Board (NDRB) documentary review of 14 February 2012 and its previous review of your case on 24 July 2012.

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. In this regard, the Board substantially concurred with the comments contained in both the NDRB and BCNR decisional documents, copies of which are attached for your information.

You enlisted in the Marine Corps, began a period of active duty on 10 July 2000, and served for about nine months without disciplinary incident. However, during the period from 27 March 2001 to 6 December 2002, you were convicted by civil authorities of speeding and received nonjudicial punishment (NJP) on three occasions for wrongful possession of illegal fireworks, failure to go to your appointed place of duty, two specifications of failure to obey a lawful order, and making a false official statement.

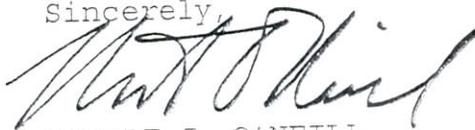
On 4 May 2004 you received a fourth NJP for two specifications of failure to go to your appointed place of duty, destruction of government property, five specifications of failure to obey a lawful order, and larceny of a forklift. Subsequently, you were

administratively processed for separation by reason of misconduct due to a pattern of misconduct, and on 15 June 2004, you were so discharged.

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, timeline of events, and character reference letters. It also considered your assertion that your poor decisions were due to side effects from medicines. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct in both the military and civilian communities. Finally, there is no evidence in the record to support your assertion. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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

Enclosures