



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

TJR
Docket No: 1815-14
11 March 2015

[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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 March 2015. 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, began a period of active duty on 26 October 1976, and served for nearly a year without disciplinary incident. However, on 21 September and again on 6 October 1977, you received nonjudicial punishment (NJP) for absence from your appointed place of duty, disobedience, and dereliction of duty. On 29 December 1977, you were convicted by special court-martial (SPCM) of destruction of government property and assault.

Subsequently, after waiving your procedural rights, your commanding officer recommended separation in accordance with a Navy expeditious program. The discharge authority approved this recommendation and directed separation under honorable conditions with the assignment of an RE-3C reenlistment code, and on 6 November 1978, you were so discharged. At the time of your separation, character of service was based, in part, on conduct

and proficiency averages which were computed from marks assigned during periodic evaluations. Your conduct average was 3.6, however, an average of 4.0 in conduct was required for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge, and assertion that you were in good standing upon your discharge from the Marine Corps. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, the Board concluded that there is evidence in the record that is contrary to your assertion of being in good standing with the Marine Corps at the time of your separation. 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