



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

TJR
Docket No: 2423-14
23 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 17 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 and began a period of active duty on 1 October 1973. You served for about six months without disciplinary incident, but on 15 April 1976, you received nonjudicial punishment (NJP) for disobedience.

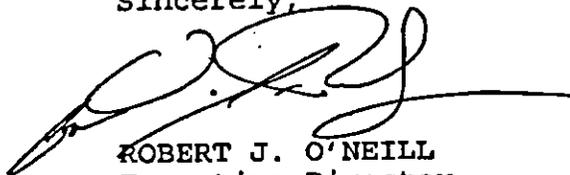
On 21 May 1975, you were convicted by civil authorities of burglary, house-breaking, forgery, and counterfeiting. You were sentenced to confinement and probation for two years. About two months later, on 15 July 1975, you were administratively processed for separation by reason of misconduct due to civil conviction. After consulting with legal counsel, you elected your right to present your case to an administrative discharge board (ADB). In this regard, on 13 August 1975, an ADB

recommended discharge under other than honorable conditions by reason of misconduct due to civil conviction. On 12 November 1975, the discharge authority approved this recommendation and directed an other than honorable discharge by reason of misconduct. On 10 December 1975, while in the custody of civil authorities, 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 and change your narrative reason for separation. It also considered your assertion of being diagnosed with schizophrenia in 2008. 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. Regarding your assertion, the Board noted that there is no evidence in the record to substantiate the validity of this action, and as such, concluded that the severity of your misconduct outweighed the mitigation of this allegation. 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,

A handwritten signature in black ink, appearing to read 'R. J. O'Neill', with a long horizontal flourish extending to the right.

ROBERT J. O'NEILL
Executive Director