



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

TAL
Docket No: 309-14
19 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 of the 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 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.

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.

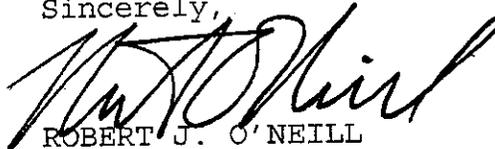
You enlisted in the Marine Corps and began a period of active duty on 25 February 1992. You served for two years without disciplinary incident, but during the period from 18 February 1994 to 29 March 1995, you received nonjudicial punishment (NJP) on six occasions. Your offenses were failure to go to your appointed place of duty, sleeping on post, failure to obey a lawful order, unauthorized absence from your unit, and wrongfully operating a vehicle while under the influence of alcohol.

Based on the information currently contained in your record you were subsequently, notified of pending administrative separation by reason of misconduct due to a pattern of misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 24 April 1995, you received an other than honorable discharge due to misconduct (pattern of misconduct).

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 assertion of ridicule by your unit because of your back injury. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repeated misconduct. The Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Regarding your assertion there is no evidence in the record and you submitted none. 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,



ROBERT J. O'NEILL
Executive Director