



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

EGA  
Docket No: 3201-14  
20 January 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 January 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.

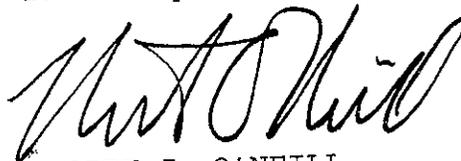
You enlisted in the Marine Corps on 17 July 2006, and served without disciplinary incident until 6 May 2010, when you received nonjudicial punishment (NJP) for three periods of unauthorized absence and failure to obey a lawful order. On 20 January 2011, you received a second NJP for absence from your appointed place of duty. On 7 November 2011, you were convicted by general court-martial (GCM) of conspiracy, wrongful distribution of a controlled substance, wrongful possession of controlled substances with the intent to distribute, larceny, and wrongful solicitation. You were sentenced to a dishonorable discharge, confinement for three years, and reduction to paygrade E-1.

Regarding your request for removal of court-martial documentation, be advised that the Board has no authority to consider your request or assertions pertaining to improprieties, claims of legal error, or allegations of impartiality at courts-martial. Further, the Board does not have the authority to overturn the findings of guilty rendered by courts-martial. In this regard, the Board must limit its review to determining whether the sentence should be modified as a matter of clemency, and as such must restrict its review to the fairness of the sentence imposed. The Board also has no authority to grant relief for your requests regarding the reimbursement of transportation moves or travel funds associated with medical appointments.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and the statement you submitted in support of your request. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given your conviction and drug abuse. 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