



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

SJN
Docket No: 3488-14
6 April 2015

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 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 20 July 2009. Based on the information currently contained in your record, during the period from 1 November 2011 to 30 April 2014, you received two nonjudicial punishments (NJPs) and were counseled and warned on five occasions that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. After being afforded all of your procedural rights, your case was forwarded to the separation authority recommending that you receive an other than honorable (OTH) discharge due to misconduct. On 4 June 2014, the separation authority concurred and directed an OTH discharge by reason of misconduct. You were so discharged on 13 June 2014.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, letter from your Gunnery Sergeant and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded that your commanding officer's decision to impose NJP was appropriate, and it was administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP is not warranted, and that such action would have been unfair to your peers, against whom you competed with for promotions and assignments. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director