



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

JRE
Docket No. 3601-14
3 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. The application was filed in a timely manner.

A three member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 April 2015. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 29 January 1998 with six years of prior service in the Air Force. On 9 August 2007 an administrative discharge board determined that you had engaged in a pattern of misconduct, but recommended that you be retained on active duty. Your commanding officer disagreed and recommended that you be separated from the Marine Corps with a general discharge. He believed that in view of your reduction to corporal, which caused you to exceed grade and service limitations, the revocation of your security clearance, and your long history of disciplinary problems, your retention on active duty could not be justified. On 14 January 2008 the Assistant Secretary of the Navy for Manpower and Reserve Affairs approved the recommendation of the Acting Director, Personnel Management Division, Headquarters, U.S. Marine Corps, that you be discharged by reason of the best interest of the service due to a pattern of misconduct, with a general discharge. You were so discharged on 29 February 2008. You were assigned a separation program designator code of JFF1, which indicates you were separated by reason of Secretarial authority.

The fact that the Department of Veterans Affairs (VA) awarded you service connection and substantial disability ratings for numerous conditions effective 2 July 2009 was not considered probative of the existence of error or injustice in your naval record, because the VA acted without regard to the issue of your fitness for naval service as of the date of your discharge from the Marine Corps. As you have not demonstrated that you were unfit by reason of physical disability on that date, and that you should have been referred for disability evaluation rather than considered for separation by reason of misconduct, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 within one year from the date of the Board's decision. New material evidence is evidence not previously considered by the Board. 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