



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

TJR
Docket No: 4394-14/
2734-99
17 October 2014

[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 15 October 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.

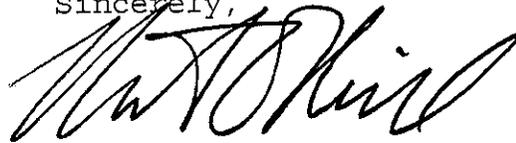
You enlisted in the Marine Corps and began a period of active duty on 20 January 1968. You served for a year and two months without disciplinary incident, but during the period from 7 April to 24 February 1970, you received nonjudicial punishment (NJP) on three occasions and were convicted by civil authorities. Your offenses were failure to go to your appointed place of duty, absent from your appointed place of duty, failure to obey a lawful order, and robbery.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to conviction by civil authorities at which time you elected your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). An ADB and your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to civil conviction. The discharge authority approved these recommendations and directed separation under other than honorable conditions by reason of misconduct, and on 13 January 1971 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, assertion of a post-traumatic stress disorder, and the documents regarding your behavioral health progress notes/medication therapy plan dated 1999. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct. 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 "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director