



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

DJC
Docket No. NR4781-14
13 Nov 14

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 November 2014. 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. In this connection, the Board substantially concurred with the following: On 28 March 2012, Petitioner received a Nonjudicial Punishment for Article 92 for disobeying an order "...not to drink and drive by driving after consuming alcohol." Furthermore, Petitioner was administrative separated for misconduct on 26 December 2013 per administrative separation approval letter from the Commanding General for the following reasons in addition to the basis for separation: failure to attend three counseling sessions at the Deployment Wellness Clinic after her initial DUI, which shows an unwillingness to utilize the resources afforded to her; and Petitioner's poor judgment in driving under the influence a second time after receiving substance abuse counseling in which she successfully completed the Prime for Life program after her first DUI, which shows an inability to learn from prior mistakes. Therefore, in accordance with Marine Corps Order 1040.31, Petitioner rates no entitlement to separation pay. 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 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 this 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