



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

JDR
Docket No: 5626-14
10 July 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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 June 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, began a period of active duty on 21 May 1980, and served without disciplinary incident for about four months. During the period from 29 September to 6 November 1980, you received two nonjudicial punishments (NJP) for being absent from your appointed place of duty and a one day period of unauthorized absence. On 28 November 1980, you were honorably released from your initial tour of active duty training. However, on 1 October 1981, you were administratively reduced in paygrade for unsatisfactory drill attendance and on 23 December 1981, you were involuntarily transferred to the

individual ready reserve (IRR) for unsatisfactory participation in reserve training. At that time, you were awarded a tentative characterization of service as under honorable conditions. On 19 April 1986, upon completion of your military obligation, you received a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. The Board also considered your assertions that you were never written up under Article 15 and that you were verbally discharged and then transferred to the IRR. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge, given your misconduct which resulted in two NJPs and unsatisfactory participation in reserve training. In regard to your assertions, the record shows that your reduction in paygrade was an administrative reduction, not an Article 15 punitive reduction. Further, there is documented evidence in your record that directed your involuntary transfer to the IRR. 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,



ROBERT J. O'NEILL
Executive Director