



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

TJR
Docket No: 6298-14/
12499-11
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 29 January 1970. You served for about five months without disciplinary incident, but during the period from 29 July 1970 to 20 December 1971, you received nonjudicial punishment (NJP) on five occasions and were convicted by summary court-martial and special court-martial. Your offenses were disobedience, failure to go to your appointed place of duty, assault, and 86 days of unauthorized absence.

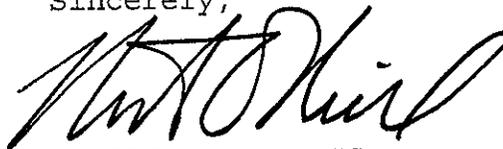
Although you were originally processed for separation by reason of unfitness due to frequent involvement of a discreditable nature with military authority and received an other than honorable discharge, on 22 June 1977, your discharge was upgraded to general under honorable conditions, under the Department of Defense (DoD) Special Discharge Review Program (SDRP).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your general discharge and assertion of a

post-traumatic stress disorder. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct and since your characterization of service was subsequently upgraded by DoD SDRP. 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