



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

TLG  
Docket No: 6757-14  
7 July 2015

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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.

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 1 July 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 reenlisted in the Marine Corps on 11 August 1988, after four years of prior satisfactory service and continued to serve without disciplinary incident. However, on 13 September 1991, you were convicted by general court-martial (GCM) of writing bad checks, forgery of signature on a check, and making false claim against US Government. You were sentence to confinement for 30 months, forfeitures of all pay and allowances, reduction to pay grade E-1, \$3,000 fine, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 19 February 1993, you were discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to use Veteran Administration benefits and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant relief given the severity of your misconduct as evidenced by a general court-martial conviction and separation from the Marine Corps. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL  
Executive Director