



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

JDR  
Docket No: 7031-14  
5 August 2015

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.

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 23 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 3 October 1972, and served without disciplinary incident for about a year and two months. However, on 18 December 1973, you began a 167-day period of unauthorized absence (UA) until you were apprehended and returned to military authority on 14 June 1974. Upon return to military authority, you were placed on restriction for an indefinite period of time in lieu of arrest. During the period from 28 March to 25 May 1975, you received inpatient treatment at the Alcohol Rehabilitation Center (ARC) in Jacksonville, Florida. On 13 November 1975, you

received nonjudicial punishment (NJP) for a 13-day period of UA. On 24 January 1977, you were formally counseled for being intoxicated during squadron formation.

Subsequently, you consented to release from active duty and transferred to the Marine Corps Reserve on 14 March 1977, earlier than your end of active service date of 9 April 1977. You were notified that, at the end of your obligated service, you would receive a general discharge due to a low proficiency and conduct final average, and on 29 March 1979, you were so discharged.

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 assertion that the discharge is supposed to become honorable after six months and that Department of Veterans Affairs (DVA) records show that you have an honorable discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the extended period of UA and subsequent apprehension as well as the seriousness of your misconduct which resulted in NJP for an additional period of UA. With regard to your assertion, you are advised that there is no provision in law or regulations that allows for recharacterization automatically after six months or due solely to the passage of time. Finally, there is no evidence in the record, and you submitted none, that you were issued an honorable discharge. 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