



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

TAL
Docket No: 7285-14
31 July 2015

Dear

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.

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 10 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 enlisted in the Marine Corps and began a period of active duty on 29 January 1980. You served for a year and seven months without disciplinary incident, but during the period from 18 August 1982 to 19 September 1984, you received nonjudicial punishment (NJP) and were convicted by summary court-martial (SCM). Your offenses were unauthorized absence (UA) from your unit for periods totaling 183 days. You remained on active duty until 30 September 1984, when you were released under honorable conditions, at the expiration of your enlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of suffering from post-traumatic stress disorder (PTSD). Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a SCM and a period of UA lasting more than six months. The Board believed that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Marine has committed serious disciplinary infractions. Regarding your assertion of suffering from PTSD, the Board noted that you did not provide a diagnosis and that the severity of your misconduct outweighed the mitigation of your possible diagnosis. 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