



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

EGA
Docket No: 7625-14
6 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, 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 26 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 and began a period of active duty on 23 September 1976. You served without disciplinary incident until 10 July 1978, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 12 September 1978, you received a second NJP for three specifications of unauthorized absence (UA). Shortly thereafter, you were charged with larceny, assault, rape, fraud, prostitution, and disobeying orders. As a result, you were

referred to a Special Courts-Martial (SPCM). On 29 November 1978, you submitted a request for an undesirable discharge for good of service to escape trial by courts-martial. On 31 January 1979, you were discharged with an undesirable characterization of service to escape trial by courts-martial.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and allegations of being singled out due to your race. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given the seriousness of your misconduct and request for discharge in order to escape trial by courts-martial. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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