



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

ES
Docket No: 11149-14
3 March 2016

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.

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 30 November 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 1 April 1969. You served for about five months without disciplinary incident, but during the period from 8 September 1969 to 2 August 1971, you received five nonjudicial punishments (NJP) for unauthorized absence, failure to sign restriction papers, sleeping on post, failure to obey a lawful order willfully disobeying a lawful order.

Subsequently, you were notified of administrative separation by reason of unfitness, at which time you elected your right to consult with counsel and to present your case to an

administrative discharge board. The ADB recommended a general under honorable conditions discharge. The commanding officer concurred with the recommendations of the ADB. The discharge authority approved these recommendations and directed separation with a general under honorable conditions discharge by reason of unfitness. On 15 October 1971, you were so discharged.

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 your assertion of post-traumatic stress disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case given your misconduct. Regarding your assertion, the Board noted that there is no evidence in your record, and you did not submit any evidence, to support your assertion. In this regard, the Board concluded the seriousness of your repeated misconduct which included five NJPs, outweighed your desire to upgrade your 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)

SCOTT F. THOMPSON
Executive Director