



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

[REDACTED]  
Docket No. 3101-16  
APR 20 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 January 2017. 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.

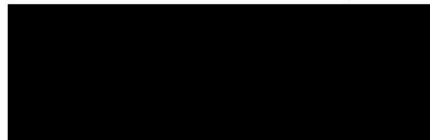
You enlisted in the Marine Corps and began a period of active duty on 20 January 2004. On 15 September 2006, you received nonjudicial punishment (NJP) for Violation of Article 92 (Failure to obey a lawful order or regulation). On 11 January 2007, you were injured when you sustained a gunshot wound to your chin while conducting combat operations. Although the Board lacked your entire service record book (SRB), it appears from available records in the SRB that on 19 January 2008, your Commanding Officer (CO) subsequently discharged you from the Marine Corps with a discharge characterized as honorable, narrative reason of separation as completion of required active service and reenlistment code as RE-1A.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to have your nonjudicial punishment removed from your record and your Marine Corps Good Conduct Medal awarded retroactively. One Board member voted to grant relief on the basis of injustice, because the Board member trusted the CO's statement that he had never asked such a request as this (removing a NJP and restoring an award) before and thought that you deserved the relief. The majority of the Board, however,

found that these factors were not sufficient to warrant removing the NJP. The majority Board members believed that at the time during combat, it was warranted and other Marines were doing what they were supposed to and it was serious enough at the time for the CO to NJP you. The majority of the Board determined that your record does not reflect an error or injustice, and therefore, no change was warranted. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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,



Executive Director