



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

[REDACTED]
Docket No: 3106-16

MAR 29 2017

[REDACTED]
Dear [REDACTED]

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 13 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.

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 began a period of active duty in the Marine Corps on 15 January 1973. On 24 October 1973, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA) from 18 June 1973, to 26 September 1973, and were awarded forfeiture of \$150 pay per month for 2 months, and correctional custody for a period for 30 days. On 8 January 1974, you received NJP for sleeping on post, and were awarded forfeiture of \$50 pay per month for 1 month and extra duty for 7 days for 2 hours per day. On 13 June 1976, you received a third NJP for leaving your appointed place of duty without proper authorization. At special court martial proceedings, you were found guilty of UA from 19 February 1974, to 23 October 1974. The Court sentenced you to confinement at hard labor for two months (suspended), and forfeiture of \$40 pay per month for 5 months. You subsequently went UA again from 17 June 1975, to 27 February 1976, and requested an other than honorable discharge in lieu of trial. On 10 March 1976, you were discharged from the Marine Corps with an other than honorable discharge characterization.

The Board considered your post service conduct including your character references, letters from your employer noting your professionalism and responsibility, and the personal letters from your

friends noting your generosity and selflessness. When making its determination, the Board considered your statement that you have turned your life around since your discharge from the military 40 years ago.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such the length of time since your discharge and your contributions as member of your community. The Board found that these factors were not sufficient to warrant a recharacterization of your discharge given the three NJPs, one special court martial conviction, and your final period of UA that spanned eight months. The Board determined that your record supports the other than honorable characterization of service, and that it does not contain an error or injustice that merits correction. The Board does commend you for the positive impact that you have made since leaving the military but unfortunately there is no provision in federal law or Navy regulations that allows for a discharge upgrade, recharacterization of service, or a change in reentry code due solely to the passage of time. Accordingly, your application has been denied.

It is regrettable 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 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