



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

[REDACTED]  
Docket No: 3207-16

MAR 03 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your 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 6 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 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, began a period of active duty on 9 July 1973. On 7 January 1974 you began a period of unauthorized absence (UA) that lasted twelve days, ending on 19 January 1974. On 28 January 1974, you began another period of UA that ended with your apprehension on 8 October 1974. On 27 November 1974, you were convicted by special court-martial (SPCM) for your extended UA which totaled 253 days. You were sentenced to confinement and a bad conduct discharge (BCD). The BCD was subsequently suspended by the convening authority for a period of nine months. On 19 June 1975, you again went UA for 52 days which resulted in the vacation of the BCD suspension. On 1 October 1975, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as your family situation, youth and immaturity, your desire to upgrade your discharge, and your contention that there was no one else that could help your mother and two younger sisters. The Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given the severity of your misconduct which resulted in your SPCM conviction for a lengthy UA. 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 a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



Executive Director