



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

[REDACTED]  
Docket No. 3324-16

JAN 03 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 on his behalf 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 12 August 2016. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the United States Marine Corps and began a period of active duty on 31 January 1980. You served for one year and six and a half months without any disciplinary incident, until 25 August 1981 when you received nonjudicial punishment (NJP) for the offense of unauthorized absence. One year, one month and eleven days later you again receive another nonjudicial punishment for unauthorized absence. On 18 November 1981 you were convicted by a special court-martial (SPCM) for the offenses of unlawfully possessing, selling and transferring marijuana. The sentence imposed was a bad conduct discharge (BCD), confinement at hard labor for six months, and forfeiture of \$382.00 per month for a period of six months. You received a BCD on 2 January 1985 after final appellate review.

Your application claims "I ask you to check the judicial action during the time I was assigned to [REDACTED] USMC. You will see there was a conspiracy against minority NCO's at that base. Check discharges during that period. I feel my discharge should be updated." The Board found that you have provided no proof to substantiate your claim about discrimination. Your application further claims "I was while on active duty. I'm try[ing] to get compensation. For my back injury has cause me to put on SDI [SIC]." The Board found that you have provided no medical proof that you were injured while on active duty.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your record of service, service accomplishments in the Army, and desire to upgrade your discharge. The Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct which resulted in your SPCM conviction and subsequent 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 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 this 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director