



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

[REDACTED]
Docket No: 3528-16

MAY 13 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 statutes 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 1 February 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 July 1998. You served for two years and five months without disciplinary incident, but on 12 December 2000, you received nonjudicial punishment (NJP), for failure to obey a lawful order, dereliction in the performance of duties by willfully failing to deliver approximately 1,140 pieces of mail, and wrongfully hiding that mail by putting it in the mechanical closet.

Subsequently, you were notified of pending administrative separation by reason of misconduct at which time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. On 6 June 2001, you once again received NJP for failure to go to your appointed place of duty and failure obey a lawful regulation. The discharge authority approved the commanding officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. On 22 June 2001 you were discharged.

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. The Board carefully weighed all potentially mitigating factors, such as your contention that you served honorably for two years and that you were young and made a poor decision. However, the Board found that these factors were not sufficient to warrant relief in your case because of your seriousness of your misconduct that resulted in two NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural rights. The Board discerned no inequity in the 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. 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