



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

[REDACTED]
Docket No: 3550-16

APR 18 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 25 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.

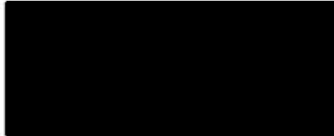
You enlisted in the Marine Corps and began a period of active duty on 13 August 1973. You served for 10 months without disciplinary incident, during the period from 4 June 1974 to 12 February 1975, you received nonjudicial punishment on three occasions and were convicted by summary court-martial (SCM). Your offenses were failure to go to your appointed place of duty, unauthorized absence (UA) from your unit, failure to obey a lawful order and assault. Eight months later on 6 November 1975, you were convicted by special court-martial (SPCM) of two instances of UA from your unit for period totaling 75 days and two instances of assault. The sentence imposed was confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 12 August 1976, you received a BCD after appellate review was completed.

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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, and your contention that the environment and your overall service record were not considered. The Board concluded these factors were not sufficient to warrant relief because of the seriousness of your misconduct that resulted in three NJPs, an SCM, an SPCM and periods of UA totaling over three months. 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director