



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

[REDACTED]  
Docket No: 3774-16

MAY 30 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 15 March 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 begin a period of active duty on 12 June 1973. During the period from 20 August 1973 to 28 July 1975, you received five separate nonjudicial punishments (NJP), for the following offenses: disrespect to an non-commission officer (NCO), disrespect in language toward an NCO, disobeying a lawful order, being absent from your appointed place of duty, and unauthorized absence (UA). You were also convicted by a summary court martial (SCM) of UA totaling 11 days. Subsequently, you were notified of pending administrative separation action by reason of frequent involvement with military authorities. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct. On 17 September 1975, you received an additional NJP for failure to obey a lawful order. On 19 September 1975, the discharge authority approved your commander's recommendation and directed separation under OTH conditions by reason of unfitness. On 1 October 1975, you were discharged with an OTH characterization of service.

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 service at Camp Lejeune, your desire to upgrade your discharge, and your contentions that you were terrorized by the Ku Klux Klan and exposed to contaminated water while station at Camp Lejeune. However, the

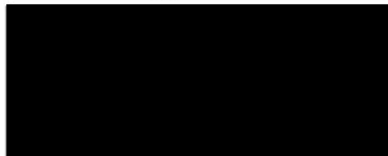
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Board concluded that these factors were not sufficient to warrant relief given the seriousness of your misconduct that resulted in six separate NJPs and a SCM, which supported the Commanding Officer's decision to process you for an OTH discharge. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of being terrorized by the Ku Klux Klan. The Board also concluded that your misconduct on active duty was too serious to warrant upgrading your discharge. Accordingly, your application has been denied.

In regards to your contention that you were exposed to contaminated water while stationed at Camp Lejeune. Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, requires the Veterans Administration to provide health care to Veterans with one or more of 15 specified illnesses or conditions. You should contact the nearest office of the Department of Veterans Affairs (DVA) concerning your right to apply for benefits or appeal an earlier unfavorable determination.

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,



Executive Director