



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

[REDACTED]  
Docket No: 3811-16

MAY 08 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 21 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.

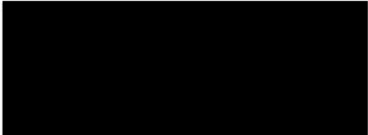
You enlisted in the Marine Corps and begin a period of active duty on 7 December 1978. On 14 July 1979, you began a period of unauthorized absence (UA) that terminated with your apprehension by civilian authorities. On 26 November 1979, you were convicted by civil authorities of arson and returned to military control on 18 August 1980. On 16 October 1980, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) totaling 401 days. You were sentenced to forfeitures of pay, confinement for 60 days, reduction to E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 16 April 1981, 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, in its review of your entire record and application, carefully weighed your desire to upgrade your discharge and contentions that your misconduct was the result of your immaturity and that you have been a productive citizen for 35 years since discharge. The Board found that these factors were not sufficient to warrant relief given the severity of your misconduct, specifically your lengthy period of UA, civil conviction, SPCM, and resulting BCD. Accordingly, your application has been denied.

  
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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