



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

Docket No: 4010-16

APR 08 2017

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.

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.


You enlisted in the Marine Corps and began a period of active duty on 17 June 1991. During the period from 30 November 1992 to 24 August 1993, you received three nonjudicial punishments (NJP) for the following offenses: Two periods of unauthorized absence, disobeying a lawful order on three occasions and disrespect towards a noncommissioned officer.

Subsequently, you were notified of administrative separation, at which time you waived your right to consult with counsel and to present your case to an administrative discharge board (ADB). The Commanding Officer recommended administrative discharge with an Other Than Honorable (OTH) characterization of service. The separation authority directed discharge. On 27 October 1993, you were discharged with an OTH discharge by reason of misconduct due to a pattern of misconduct.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your contention that you were told that in six months after you were discharged that your status was going to automatically update to Honorable and your request to be granted reinstatement at the very least so you may have burial benefits. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that included three NJPs. Additionally, the Board noted that the record shows that you were notified of and waived your procedural right to present your case to an ADB. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. Further, there is no provision in law or regulation that allows for re-characterization of a discharge automatically after six months due solely to the passage of time. 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,

  
Executive Director