



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

[REDACTED]
Docket No: 4288-16

JUN 07 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 22 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.

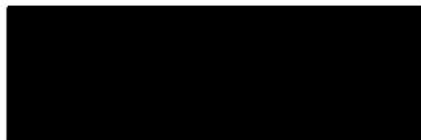
You enlisted in the Marine Corps and began a period of active duty on 3 July 1980. You served for about four months then from 12 November 1980 to 10 November 1981, you were in an unauthorized absence (UA) status from your unit for periods lasting 316 days. You were placed in pre-trial confinement, during that time you were the subject a psychological evaluation, you were diagnosed with anxiety, with no reason for you to be hospitalized and that you were fit for full duty. On 4 December 1981, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. You made a request for discharge for the good of the service to avoid trial by court-martial for the periods of UA, your request was denied. On 16 December 1981, you were again UA from your unit until you were apprehended on 16 February 1982 a period of 62 days. On 18 March 1982, you were convicted by special court-martial (SPCM) of five instances of UA from your unit for a period totaling 378 days. The sentence imposed was confinement at hard labor, and a bad conduct discharge (BCD). The convening authority approved the sentence but suspended the BCD for the period of confinement plus six months. Although the BCD was suspended for seven months this suspension was cancelled due to your continued misconduct, which consisted of four additional periods of UA from 7 August 1982 to

22 February 1983 totaling 168 days. On 21 April 1983, the suspension of the BCD was vacated and on 1 June 1983, you received a BCD after appellate review was complete.

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 BCD should be changed on the grounds of psychological problems that you suffered from since early age, schizoaffective disorder and depression. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP, SPCM, and periods of UA totaling over a year and six months. In regard to your contention, the Board noted that there is no evidence in your record to support your contention of any mental problems at the time of your enlistment. The Board reviewed and considered the post-service health assessment report from the County of [REDACTED] Department of Health but concluded that the severity of your misconduct, specifically your excessive UAs, outweighed your desire to upgrade your discharge. The Board concluded the discharge appropriately characterizes your service and no change is warranted. 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