



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

Docket No: 4355-16
JUN 12 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 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.

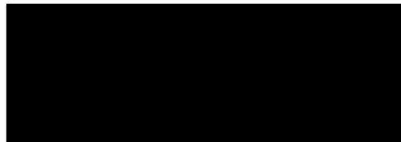
You enlisted in the Marine Corps and began a period of active duty on 25 October 1982. During the period from 11 July 1983 to 12 November 1984, you received three separate nonjudicial punishments for disobeying a lawful order on two different occasions, failure to go to your appointed place of duty on two different occasions, two periods of unauthorized absence totaling four days and wrongfully appropriate the property of another Marine. On 16 January 1985, the record reflects that you submitted a written request for separation in lieu of trial by court martial for two periods of unauthorized absence that totaled 355 days. Prior to submitting this request, you conferred with a qualified military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. Your request was granted and your Commanding Officer was directed to issue you an Other Than Honorable (OTH) discharge by reason of in lieu of trial by court martial. As a result of this action, you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor and on 30 January 1985, 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 record and application, carefully weighed all potentially mitigating

factors, such as your desire to upgrade your discharge and contention that you were under the care of special medications for a disorder and should have never been allowed to enlist into the Armed Forces. The Board concluded these factors were not sufficient to warrant relief in your case given the severity of your misconduct which resulted in your request for discharge. 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