



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

[REDACTED]  
Docket No: 6524-16

APR 14 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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.

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. Regarding your request for a personal appearance, be advised that Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 4 August 1976. During the period from 16 November 1976 to 27 February 1978, you received eight nonjudicial punishments (NJP) for the following offences: three specifications of disrespect, assault, communicating a threat, disobedience, drunk and disorderly, drunk on duty, disobeying a lawful order, and disobeying a lawful regulation. Subsequently, you were notified of pending administrative separation action for a pattern of misconduct. After you waived your procedural rights, your commanding officer recommended discharge under other than honorable (OTH) for your pattern of misconduct. The discharge authority approved this recommendation and directed separation under OTH conditions by reason of misconduct. On 11 July 1978, you received an additional NJP for seven days of unauthorized absence (UA). On 24 July 1978, you were discharged.

Your contention of PTSD was carefully considered by the Board in light of the Secretary of Defense's Memorandum "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post-Traumatic Stress Disorder" of September 3, 2014. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and contention of post-traumatic stress disorder (PTSD) as a reason for your misconduct. The Board agreed with the advisory opinion from the Chief, Bureau of Medicine and Surgery dated 14 November 2016; enclosure (1). After carefully considering, the Board determined the seriousness of your repeated misconduct far outweighed your contention. 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,

[REDACTED]  
Executive Director

[REDACTED]