



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

[REDACTED]
Docket No: 6610-16
OCT 30 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 August 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, relevant portions of your naval record and applicable statutes, regulations and policies.

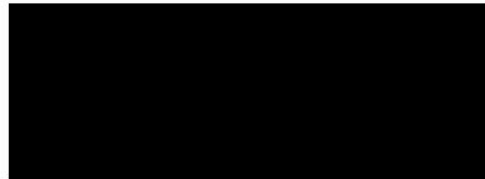
You enlisted in the Marine Corps on 9 September 1980. According to the information in your record, during the period from 5 August 1981 to 9 June 1983, you received four nonjudicial punishments (NJP) for the following offenses: absence from appointed place of duty, two specifications of disobeying a lawful order, wrongful use of marijuana, failing to clean weapon properly, and failure to go to appointed place of duty. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After you waived your procedural rights, your commanding officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct and, on 29 December 1983, 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 carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contention that it has been 34 years since your discharge and your Marine Corps service was exemplary. However, the Board concluded these factors were not sufficient to warrant relief in your case given your misconduct. The Board was not persuaded by the contention that it has been 34 years since your discharge. There is no provision of law or in

Navy regulations that allow discharges to be upgraded merely because of the passage of time. The Board also notes that a Marine's service is characterized at the time of discharge based on performance during the current enlistment. In the end, the Board determined that your misconduct, which resulted in four NJPs, was too serious to warrant upgrading your 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