



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

[REDACTED]
Docket No: 6757-16
SEP 26 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 19 July 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, 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 21 June 1993. You served for nine months without disciplinary incident, but during the period from 17 March 1994 to 22 February 1995, you received nonjudicial punishment (NJP) on four occasions. Your offenses were an absence from your appointed place of duty, using disrespectful language toward a senior noncommissioned officer, failure to obey a lawful regulation and failure to obey a lawful order. Subsequently, you were notified of pending administrative separation by reason of misconduct due to minor disciplinary infractions at which time you consulted with counsel and waived your right to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to minor disciplinary infractions. The discharge authority approved the recommendation and directed separation under other than honorable conditions by reason of misconduct. On 7 April 1995, 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 contention that you were threatened into making a false statement by the [REDACTED] PMO. The Board concluded these factors were not sufficient to warrant relief in your case because of your repeated misconduct that resulted in four NJPs. The Board noted that you did not supply enough detail and evidence to support your contention of being threatened. Further, you were given an opportunity to defend your actions, but waived your right to present your case at an ADB. 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