



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

[REDACTED]
Docket No: 6855-16

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 29 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.

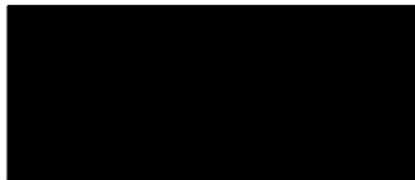
You enlisted in the Marine Corps on 29 July 1969. During the period from 25 November 1969 to 8 April 1970, you received four nonjudicial punishments (NJP) for the following offenses: unauthorized absence (UA), exceeding liberty limits, sleeping on watch, and disrespectful in language to an NCO. Subsequently, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement with military authorities. You elected to consult with legal counsel and subsequently requested an Administrative Discharge Board (ADB). The ADB recommended discharge under other than honorable (OTH) conditions by reason of unfitness due to frequent involvement with military authorities. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of unfitness. On 29 July 1970, you were discharged with an other than honorable characterization of service.

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 your contention that you went UA to care for your ill mother. However, the Board concluded that these factors were not sufficient to warrant relief given your misconduct.

In this regard, the Board concluded that the seriousness of your repetitive misconduct, which resulted in four NJPs, outweighed your desire to upgrade your discharge. The Board decided that your record supports the commanding officer's decision to issue you an OTH discharge. Moreover, the Board noted that there is no evidence in your record, and you submitted none, to support your contention that you went UA to care for your ill mother. 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