



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

Docket No. 7629-16  
DEC 19 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 3 October 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 and began a period of active duty on 2 September 1981. You served for seven months and twelve days without disciplinary incident, but during the period from 14 April 1982 to 1 May 1985, you received nonjudicial punishment (NJP) on six occasions. Your offenses were willingly disobeying a lawful order, disrespecting and assault on a Non Commissioned Officer, dereliction of duty, and unauthorized absence. Subsequently, you were notified of pending administrative separation by reason of misconduct due to pattern of misconduct. As a result of the foregoing, an administrative discharge board (ADB) was held. Although the Board lacked the proceedings of the ADB and separation paperwork in your service record book (SRB) it appears from the SRB entries before the Board that the ADB majority vote was to recommend you for separation. The separation authority would have approved a recommendation for separation. The record clearly shows that on 14 June 1985, you were discharged with an other than honorable (OTH) separation due to misconduct of pattern of misconduct.

After careful and conscientious consideration of the entire record, the Board found that 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 character of service and your contention that at the time of your separation proceedings you understood that you would retain all veteran benefits except for schooling. The

Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in six NJPs. The Board determined there was no error or injustice in your record. Whether or not you are eligible for benefits is a matter under the cognizance of the Department of Veterans Affairs (DVA) and you should contact the nearest office of the DVA concerning your right to apply for benefits. 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director