



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

[REDACTED]
Docket No: 7634-16
NOV 07 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 13 September 2017. 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 18 November 1976. You served for about five months without disciplinary incident, but during the period from 25 April 1977 to 12 October 1977, you received nonjudicial punishment (NJP) on three occasions. Your offenses were failure to go to your appointed place of duty, failure to obey a lawful regulation and unauthorized absence (UA) from your unit for a period of three days. On 29 November 1977, you were convicted by special court-martial (SPCM) of wrongful possession of 79.8 grams of marijuana. You were the subject of psychological evaluations that diagnosed you with a severe and chronic emotionally unstable character disorder with antisocial and explosive features that existed prior to enlistment. It was recommended that you should be discharged from the Marine Corps and that further retention in the service would not be in the best interest of the Marine Corps. Subsequently, you were notified of pending administrative separation by reason of unsuitability due character and behavior disorders at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under honorable condition. The discharge authority approved your commanding officer's recommendation and directed separation under honorable conditions by reason of unsuitability, on 3 March 1978, you were discharged.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.6. At the time of your service, a conduct average of 4.0 was required for a fully 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, in its review of your entire record and application, carefully weighed all potentially mitigating factors and your contention that you were offered an honorable discharge if you remained in the Marine Corps, but you chose to leave because of harassment for your mental health condition. The Board found that these factors were not sufficient to warrant a change in your characterization of service given your misconduct that resulted in three NJPs, an SPCM, and diagnosed personality disorder that existed prior to your enlistment. 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