



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

[REDACTED]  
Docket No: 7657-16

FEB 0 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 16 November 2016. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Marine Corps and began a period of active duty on 28 December 1987. During the period from 28 December 1988 and 20 December 1990, you received five nonjudicial punishments (NJP) for the following offenses: unauthorized absence (UA), operating a motor vehicle while under the influence of alcohol with a blood alcohol content (BAC) of .11, absence from your appointed place of duty, and debt dishonorably failing to pay a loan.


Subsequently, as a result of the foregoing, you were notified of administrative separation by reason of misconduct due to a pattern of misconduct, at which time you consulted with counsel and elected your right to present your case to an administrative discharge board (ADB). After you were notified and elected your right to an ADB, you subsequently waived this right. The commanding officer recommended administrative discharge with an other than honorable (OTH) characterization of service. The separation authority approved this recommendation and directed administrative discharge with an OTH characterization of service, by reason of misconduct due to a pattern of misconduct. On 27 May 1983, you were discharged.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your contention that there was no review board to determine the

discharge level based on the minor infractions. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct. Regarding your contention, the Board noted that the record shows that you initially elected your procedural right to present your case to an ADB. But you in turn, waived this right, in doing so; you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. The Board concluded the seriousness of your repeated misconduct, which included five NJPs, outweighed your desire to upgrade 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. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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