



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

[REDACTED]  
Docket No: 7887-16

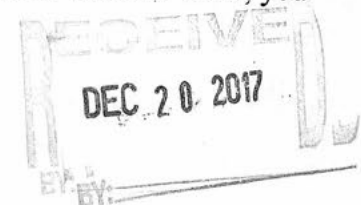
NOV 28 2017

[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 11 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.

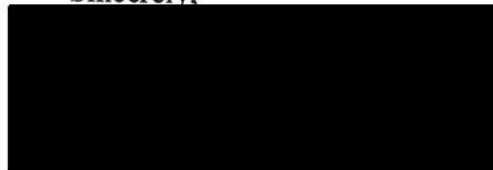
You enlisted in the Marine Corps and began a period of active duty on 6 July 1992. You served for about six months without disciplinary incident, but during the period from 19 January 1993 to 16 December 1994, you received nonjudicial punishment (NJP) on three occasions. Your offenses were making a false official statement, dereliction in the performance of duties, unauthorized absence from your unit and sleeping under a truck at the motor pool. You requested a psychiatric evaluation and stated in part that you were having difficulty concentrating and feeling anxious. You were diagnosed with malingering, and a non-specified personality disorder with passive aggressive traits. It was recommended that you should be processed for administrative separation. Subsequently, you were notified of pending administrative separation by reason of misconduct due to minor disciplinary infractions and personality disorder at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 19 September 1995, you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty. The discharge authority approved and directed separation under other than honorable conditions by reason of personality disorder and misconduct, on 18 October 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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your contention that your mental health and physical issues contributed to the unfavorable character of discharge. The Board concluded these factors were not sufficient to warrant relief in your case because of your repeated misconduct that resulted in three NJPs and an SCM. Further, you were given an opportunity to defend your actions, but waived your procedural rights. 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