



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

[REDACTED]
Docket No: 7926-16
NOV 29 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 10 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

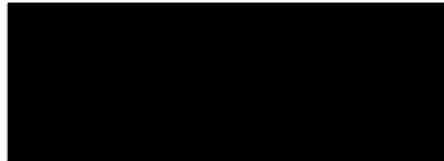
You enlisted in the Marine Corps on 7 June 1971. During the period from 13 April to 6 June 1973, you received non-judicial punishments (NJP) two occasions. Your offenses were for three specifications of unauthorized absence (UA) totaling 10 days. On 8 February 1974, you were convicted by general court-martial (GCM) for UA from 20 August 1973 to 17 December 1973 and larceny in the amount of \$600 from another Marine. You were sentenced to confinement for 10 months, forfeiture of all pay, reduction to E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 16 August 1974, 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 carefully weighed all potentially mitigating factors, such your desire to upgrade your discharge and contentions that you need Department of Veterans Affairs (DVA) benefits due to

contracting several illnesses while in the Marine Corps, which the evidence is within your service and medical records. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of contracting several illnesses while in the Marine Corps. Whether or not you are eligible for benefits is a matter under the cognizance of the Department of Veterans Affairs, and you should contact the nearest office of the DVA concerning your right to apply for benefits. The Board concluded that these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct, which resulted in two NJPs and a GCM conviction. 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