



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

[REDACTED]
Docket No: 7991-16

NOV 2 8 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 4 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.

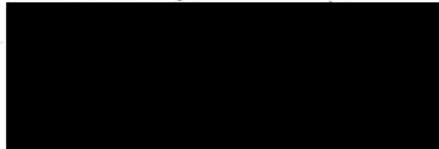
You reenlisted in the Marine Corps on 6 March 1981 after more than three years of service. On 16 February 1982, you received non-judicial punishment (NJP) for wrongfully appropriation of \$60 from the SNCO Club, property of the U.S. Government. You were declared as deserter on 19 June 1985 until you were apprehended by civilian authorities on 26 June 1995, a period of 10 years. You made a written request for discharge for the good of the service to avoid trial by court-martial for the foregoing period of unauthorized absence (UA). Prior to submitting this request you conferred with a qualified military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. Your request was granted and the commanding officer directed an other than honorable (OTH) discharge. As a result of this action, you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor. On 20 October 1995, you were discharged under OTH conditions.

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 contentions that you went home to the [REDACTED] for emergency

leave because your mother passed away and then your father and brother passed and your contentions that it was a hardship for you and you did not know what to do. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in a period of UA totaling over ten years and request for discharge. The Board believed that considerable clemency was extended to you when your request for discharge to avoid trial by court-martial was approved. The Board concluded that you received the benefit of your bargain with the Marine Corps when your request for discharge was granted. In regard to your contention, the Board was sympathetic to your unfortunate loss of so many family members, but concluded that the severity of your misconduct specifically your excessive UA, 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 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