



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

█
Docket No: 611-20
Ref: Signature Date

█
█
█
█
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 9 March 2020. 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, as well as applicable statutes, regulations, and policies.

You enlisted in the Marine Corps and began a period of active duty on 26 December 1977. You served approximately 10 months without disciplinary incident. In October 1978, you received two nonjudicial punishments (NJPs), one for absenting yourself from your place of duty (rifle range) and a second for violating a lawful general regulation by possessing one can of beer in a barracks building. On 5 March 1979, you were convicted at summary court-martial of stealing the property of another Marine and wrongfully lying down while posted as a sentinel. On 26 June 1979, you received a third NJP for failing to go to your appointed place of duty and a period of unauthorized absence (UA). Your record reflects continued infractions of the Uniform Code of Military Justice (UCMJ) from March 1980 through 17 February 1981, to include violation of lawful general orders, theft of a portable stereo cassette player, and a short period of UA. On 17 February 1981, you were counseled concerning your frequent involvement with military authorities and informed that continued involvement may lead to separation from the Marine Corps with a less than honorable characterization of service. On 7 December 1981, you

were released from active duty for completion of your required active duty service and received a general discharge and a reentry (RE) code of RE-4. Your final trait averages as reflected in your record were 3.5/3.6.

In your petition to the Board, you ask that your characterization of service be upgraded from general to honorable. You contend that your general discharge is inequitable because it was based solely on the number of Article 15s you received during the duration of your period of active duty. You state that there was no other adverse action.

The Board, in its review of your entire application, carefully weighed all potentially mitigating factors, including the fact that you completed your period of required active duty service. The Board noted, however, that your record reflects a pattern of misconduct for multiple infractions of the UCMJ. Although many of the charges for which you received NJP were relatively minor, the Board found that the frequency of your misconduct was such that a general characterization of service rather than an honorable discharge was appropriate. The Board determined that you did not provide sufficient evidence to overcome your current discharge characterization, and that your record does not reflect an error or an injustice.

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 the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

5/29/2020
█
Deputy Director
█