



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001

TAL
Docket No: 1472-13
12 September 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 September 2014. 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 9 May 1984 at age 19. You received nonjudicial punishment (NJP) on three occasions from 7 February through 9 December 1985, for sleeping on post, failure to obey a lawful regulation and willfully disobeying a lawful order from a commissioned officer. On 9 December 1986, you were convicted by special court-martial (SPCM) of willfully disobeying a lawful order. The sentence imposed was a forfeiture of pay, and a reduction in paygrade. On 8 April 1987, you were again convicted by SPCM of five instances of unauthorized absence from your unit for a period totaling 26 days, failure to go to your appointed place of duty and insubordinate conduct toward a noncommissioned officer. The sentence imposed was confinement, a forfeiture of pay and a bad conduct discharge (BCD). You

waived your right to have your case considered by the Naval Clemency and Parole Board. On 24 February 1988, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs, periods of UA totaling 26 days, and two SPCMs. Finally, there is no provision of law or in Marine Corps regulations that allows for recharacterization of service due solely to the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director