



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

BJG  
Docket No: 3348-13  
15 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.

You requested removal of a nonjudicial punishment (NJP) and a summary court-martial (SCM), reinstatement of pay grade E-5, and upgrading of your RE-4 (not recommended for retention) reentry code.

In block 9 of your application, you stated that you had attached the following: "...medical records, letter from [Veterans Affairs] representative for [Subject named Marine's] state Senator's office, photos of vandalism, letters from witnesses, and [tele]phone records of harassment and proof of false charges." These pieces of evidence were not attached to your application.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible change of character of service and narrative reason for separation. I have enclosed a copy of NDRB's application form for your convenience.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 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. In addition, the Board considered the undated advisory opinion from Headquarters Marine Corps, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You reenlisted in the Marine Corps on 2 March 2007 after more than seven years of prior honorable service. On 12 December 2012, you received NJP for four periods of unauthorized absence (UA) and disrespect (two instances). On 12 March 2008, you were convicted by an SCM of two periods of UA and disrespect. You were then advised that your command was administratively separating you with an other than honorable (OTH) characterization of service due to misconduct. You waived your procedural right to an administrative discharge board in exchange for a general characterization of service. On 15 October 2008, you were discharged in pay grade E-2 with a general characterization of service due to misconduct, and assigned an RE-4 reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to return to active duty. However, the Board concluded that you have failed to prove an error or injustice in the imposition of the NJP and SCM and they shall remain in your official military personnel file. Since the Board found no basis to remove your NJP or SCM, it had no basis to reinstate you in pay grade E-5 or upgrade your RE-4 reentry code. In view of the above, 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

Enclosures