



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

TJR
Docket No: 7904-13
12 September 2014



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 August 2014. 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, 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 on 2 November 1973 and immediately began a period of active duty. You served without disciplinary incident until 22 October 1974, when you received nonjudicial punishment (NJP) for failure to obey a lawful order and misbehavior as a sentinel.

During the period from 20 August 1976 to 18 October 1977 you received NJP on three more occasions for three specifications of failure to obey a lawful order and two periods of unauthorized absence (UA) totalling two days. You were also in a UA status for a period of 105 days and declared a deserter.

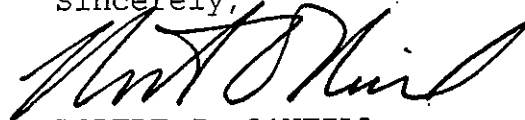
On 24 October 1977 you began another period of UA. During this period of UA you were processed for an administrative separation by reason of misconduct. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. Subsequently, the discharge authority approved this recommendation and directed

separation under other than honorable conditions by reason of misconduct. On 1 February 1984, in absentia, you were so discharged, thus terminating your 1,924 day period of UA.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of being exposed to radiation while serving during the Vietnam War. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in four NJPs and repeated lengthy periods of UA. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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,



ROBERT J. O'NEILL
Executive Director