



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

BC  
Docket No: 00164-14  
14 November 2014

5 USC 522(b)(5)

Dear Mr. 5 USC

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 14 November 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 and began a period of active duty on 9 October 1984. On 17 July 1985, you were convicted by civil authorities of possession of stolen property and were sentenced to 180 days confinement and three years probation. On 4 October 1985, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty. On 17 December 1985, you received NJP for two incidents of being absent from your appointed place of duty and breaking restriction on two occasions. Subsequently, you were notified of pending administrative separation by reason of misconduct due to civil conviction at which time you elected to have your case heard by an administrative discharge board (ADB). On 4 February 1986, the ADB found that you did commit misconduct and recommended

that you be separated. Your commanding officer agreed with the ADB and forwarded his recommendation. The discharge authority approved these recommendations and directed separation under other than honorable conditions by reason of misconduct, and on 10 March 1986, you were so discharged and assigned an RE-4 (ineligible for reenlistment) reenlistment code.

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 contention that you should have received a medical discharge based on your claim of post-traumatic stress disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct and lack of material evidence to support PTSD. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 USC 522(b)(5)

ROBERT J. O'NEILL  
Executive Director