Docket No: 3135-16

MAR 0 5 2017

Dear ████████

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.

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 for Correction of Naval Records, sitting in executive session, considered your application on 6 January 2017. 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 record, and applicable statutes, regulations, and policies.
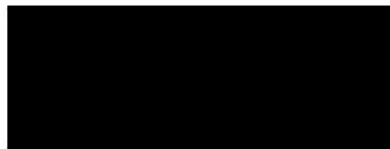
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 16 June 1999. During the period from 2 March and 13 April 2000, you were counseled four times for unauthorized absences (UA), failure to adhere to policies, and not doing your assigned homework. On 1 May 2000, you were formally counseled after being diagnosed with a personality disorder and for UA. On 11 May 2000, you were evaluated by a mental health doctor after a reported medication overdose. In a phone conversation on 25 May 2000, the doctor reported to your Commanding Officer (CO) and Executive Officer that you were at a significant risk of harming yourself if retained on active duty. On 1 June 2000, you were again counseled after another diagnosis of an adjustment disorder and an occupational problem. Subsequently, administrative discharge action was initiated and your CO recommended that you receive a general (under honorable conditions) discharge (GEN) by reason of a personality disorder. The separation authority approved this recommendation, and on 13 July 2000 you were discharged with a GEN characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, your mother's letter, and your contention that, according to your pre-enlistment examination, you did not have any mental issues prior to enlisting. The Board concluded these factors and contention were not sufficient to warrant relief in your case because your characterization was authorized and in accordance with established regulations and guidelines at the time of your separation. The Board also noted that you were counseled four times, in addition to your two formal written counselings. Established regulations and guidelines state a general discharge is appropriate where "the Marine's service has been honest and faithful, but significant negative aspects of the Marine's conduct or performance outweigh positive aspects of the Marine's military record." 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,

Executive Director