



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

[REDACTED]
Docket No: 3199-16
JUN 6 1 2017

[REDACTED]
Dear [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.

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 21 March 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 naval record and applicable statutes, regulations and policies.

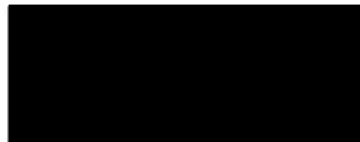
You enlisted in the Marine Corps and began a period of active duty on 31 March 1964. During the period from 24 March 1966 to 28 September 1967, you received four non-judicial punishments (NJP) for the following offences: four specifications of disobeying a lawful order and two specifications of making a false official statement. You were also convicted by two separate special courts martial (SPCM) of unauthorized absence (UA) for five days, three specifications of disobeying a lawful order, loss of government property, breaking restriction, and leaving post without relief. On 3 November 1967, you were convicted by an additional SPCM of resisting arrest, wrongful use of provoking words, breaking restriction and two specifications of wrongfully communicating a threat. You were sentenced to confinement for 6 months, forfeiture of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 11 October 1968, you were discharged.

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. The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contention that it has been 46 years since your discharge and your civilian record is free of charges. However, the Board found that these factors were not sufficient to warrant

relief given your misconduct. In this regard, the Board concluded that the severity of your misconduct, which resulted in four NJPs, three SPCMs, and a BCD, outweighed your desire to upgrade your discharge. The Board was not persuaded by the contention that it has been 46 years since your discharge and your civilian record is free of charges. The Board noted that there is no provision in law or regulations that allows for re-characterization of a discharge automatically after 46 years, due solely to the passage of time. The Board also noted that having no civilian charges does not alter your conduct while enlisted in the Marine Corps or the basis for your discharge. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director