



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

[REDACTED]
Docket No: 3218-16
NOV 16 2016

[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 19 October 2016. 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.

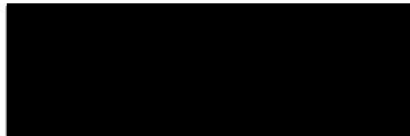
You enlisted in the Marine Corps and began a period of active duty on 3 November 1961. During the period from 28 May 1962 – 4 August 1964, you received three nonjudicial punishments (NJP) for striking a superior noncommissioned officer, drunk and disorderly, absent from your appointed place of duty, wrongful possession of a liberty pass and identification card belonging to another Marine, unauthorized absence and failure to go to your appointed place of duty. You were convicted by two summary court martials (SCM) of two periods of unauthorized absence totaling 18 days, breaking arrest and failure to go to your appointed place of duty. You were also convicted by two special court martials (SPCM) of three periods of unauthorized absence totaling 84 days, failure to obey a lawful order, breaking restriction on two occasions and failure to obey a lawful order on two occasions. On 16 January 1967, at the expiration of your active service, you were discharged general under honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to have your discharge upgraded and assertion that you didn't understand that the dates listed lost were the cause of your type of discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge given misconduct. Regarding your assertion, Character of service is based, in

part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.7. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service. In this regard, the Board concluded the seriousness of your repeated misconduct which included three NJPs, two SCMs and two SPCMs outweighed your desire to upgrade 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. 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director