



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

[REDACTED]
Docket No: 6521-16

AUG 31 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 19 June 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 27 July 1978. You served for eight months without disciplinary incident, but during the period from 20 March 1979 to 5 June 1980, you received nonjudicial punishment on two occasions and were convicted by special court-martial (SPCM). Your offenses were unauthorized absence (UA) from your unit for periods totaling 237 days and failure to obey a lawful order. You remained on active duty until 21 April 1982, when you were released under honorable conditions based on your disciplinary record and conduct mark average.

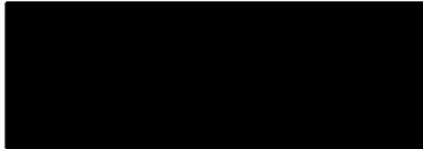
Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.5. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

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, and your contentions that no one explained to you why you were discharged with a general characterization of service, no one explained the time of duration for the VA Certificate of Eligibility and why your request to

reenlist was denied. The Board found that these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in two NJPs, an SPCM, a period of UA lasting over seven months and failure to attain the required average in conduct. In regard to your contentions, as stated previously you failed to attain the required 4.0 average in conduct for a fully honorable characterization of service. The Department of Veterans Affairs (VA) determines eligibility for post-service benefits, not BCNR. There is no requirement or law that grants recharacterization solely on the issue of obtaining veterans benefits. The Board noted that you were counseled and advised that you were not recommended for reenlistment due to frequent involvement and you were informed that you were to be assigned an RE-4 reenlistment code. The RE-4 reenlistment code is required when an individual is separated at the expiration of his term of active obligated service and is not recommended for reenlistment. 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