



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

[REDACTED]
Docket No. 6563-16
NOV 20 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 9 August 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the Marine Corps and began a period of active duty on 19 September 1977. On 14 September 1978, you received nonjudicial punishment (NJP) for two specifications of unauthorized absence (UA) by failing to be at appointed place of duty. On 20 March 1979, you received an NJP for two specifications of disobeying a lawful order. On 27 July 1979, you were convicted at a summary court martial (SCM) for disobeying a lawful order from a Commissioned Officer. Thereafter, on 20 August 1979, you received a third NJP for being permanently disqualified from the Personnel Reliability Program for frequent involvement of discreditable nature with military authorities. As a result of the foregoing, administrative discharge proceedings were initiated and the separation authority directed an other than honorable (OTH) discharge by reason of frequent involvement of discreditable nature with military authorities. On 12 October 1979, you were discharged with an OTH.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that the charges against you were incorrect and that charges were due to medicating yourself as a result of depression and anxiety. The

Board concluded these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your record. 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,

[REDACTED]

Executive Director