



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

[REDACTED]  
Docket No: 6621-16  
SEP 26 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 12 July 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 21 August 1978. You served about a year without disciplinary incident, but during the period from 18 September 1979 to 25 February 1981, you received nonjudicial punishment (NJP) on four occasions and were convicted by special court-martial (SPCM). Your offenses were unauthorized absence (UA) from your unit for periods totaling 70 days. Subsequently, you were notified of pending administrative separation by reason of misconduct at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct and, on 26 March 1981, you were so 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 and your contention that you were a young Marine, but now understand your behavior was wrong. The Board concluded these

factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in four NJPs, an SPCM and more than two months of UA. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Regarding your contention that your misconduct was the result of your youth, the Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. It must be noted that most members of the Marine Corps, including the many of similar age, serve honorably and therefore earn their discharges. In fairness to those members of the Marine Corps, commanders and separation authorities are tasked to ensure that undeserving Marines receive no higher characterization than is due. The evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. 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