



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

[REDACTED]
Docket No: 6658-16
DEC 11 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 23 October 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 13 December 2010. You served for approximately six months without disciplinary incident. Your record indicates that you had a period of unauthorized absence (UA) from 25 July 2011 through 14 August 2011. In your application for correction to your record, you provide information about the period of UA. In January 2010, your father received a kidney transplant and suffered a life threatening emergency medical situation on 13 July 2011. You received a Red Cross message, and were granted leave to be with him at [REDACTED] Hospital. On 22 July 2011, your father suffered a relapse and it was not known whether he would survive. You state you verbally requested additional leave from your first sergeant, which was denied. You remained with your father while in a UA status and returned to military control on 15 August 2011. You state that you were threatened by your first sergeant when you returned and again went UA on 22 August 2011. You remained absent through 20 February 2012, when you returned to military control by

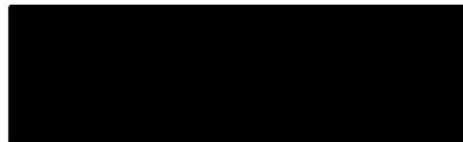
surrender. On 21 March 2012, you received nonjudicial punishment (NJP) for the period of UA from 22 August 2011 through 21 February 2012. On 17 April 2012, your Commanding Officer recommended that you be administratively separated on the basis of the commission of a serious offense. You waived your right to appear before an administrative separation board. You were discharged from the Marine Corps on 15 May 2012, with an other than honorable characterization of service and a reentry (RE) code of RE-4.

The Board considered your request for a change to your RE-4 code, and also reviewed whether the other than honorable characterization of service was properly issued. When making its determination, the Board considered your personal circumstances surrounding the UA, as well as your statements concerning your chain of command's denial of your leave.

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 personal circumstances and your statements regarding your first sergeant. The Board found that these factors were not sufficient to warrant a change to your RE-4 code or a recharacterization of your discharge given the length of your UA. The Board noted the gravity of your personal circumstances as well as your perception of lack of support from your chain of command, but found that you did not provide evidence indicating that you sought approval for additional leave beyond your first sergeant. Additionally, the Board noted that you waived your right to appear before an administrative separation board to contest the basis of the separation or to seek a more favorable discharge characterization of service. The Board found that given the length of your UA, both the RE-4 and the other than honorable characterization of service were appropriately assigned at the time of 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