



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

[REDACTED]  
Docket No: 7234-16

NOV 29 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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 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.

On 6 August 2014, you were convicted by special court-martial (SPCM) of failure to obey a lawful general regulation and failure to obey a Military Protective Order. The punishment imposed was confinement and reduction in pay grade. Pursuant to the pretrial agreement all confinement was suspended for the period of six months and any reduction in pay grade below Gunnery Sergeant (E-7) was suspended for six months. You were honorably retired from the Marine Corps on 31 December 2014.

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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and request for clemency. The Board also considered your statement that your SPCM was unjust due to the fact that officers of your command, who commit far worse crimes, were treated differently than enlisted and two of the Marines that were part of your trial received dishonorable and bad conduct discharges. The Board noted that sufficient evidence existed to support the commanding officer's decision to refer your charges to a court-martial, and further believed that considerable clemency was extended to you when your pre-trial agreement was approved. The Board concluded these factors were not sufficient to warrant relief in your case, and that you did not provide sufficient

evidence of an error or injustice to support your claim. 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