



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

Docket No. 7346-16

DEC 11 2017

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.

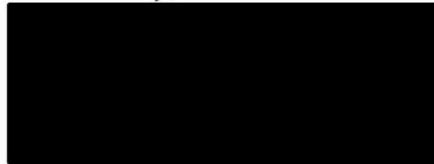
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 September 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 17 August 1977. From the period of 7 February to 7 August 1978, you received three nonjudicial punishments (NJP) for unauthorized absence (UA). On 5 March 1979, you were convicted at a special court martial (SPCM) for a 139 day period of being UA. On 21 April 1980, you requested a discharge in lieu of trial by court martial after being UA for a period of 181 days. On 22 April 1980, the separation authority approved the request of discharge in lieu of trial by court-martial for the good of the service. On 8 May 1980, you were discharged with an other than honorable (OTH) characterization of service.

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 carefully weighed all potentially mitigating factors, including your desire to upgrade your character of service and your contention that your recruiter guaranteed your military occupational specialty (MOS) would be a vehicle mechanic and as a result of not being in the MOS desired, you chose to go UA on several occasions. The Board noted the statement from your recruiter that in the motor transport operator MOS, you would have the opportunity to receive mechanics training in general maintenance of vehicles and did not guarantee you would solely be in the vehicle mechanic MOS. The Board concluded there was no error or injustice in 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director