



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

[REDACTED]
Docket No: 7389-16

NOV 07 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 6 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 27 July 1984. You served for nearly three years without disciplinary incident, but during the period from 26 June 1987 to 3 September 1987, you received nonjudicial punishment (NJP) on three occasions. Your offenses were wrongful use of marijuana unauthorized absence (UA) from your unit for 11 days, failure to go to your appointed place of duty failure to obey a lawful order from a noncommissioned officer, making a false official statement and breaking restriction. On 6 November 1987, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of five days and escaping from custody. The sentence imposed was confinement at hard labor, a forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). On 10 February 1988, you received the BCD after appellate review was complete.

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 contentions that you made bad decisions because of you were young and suffering from depression and did not know a

BCD would follow you through out your life and affect employment options. 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 three NJPs and a SPCM. 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