



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

[REDACTED]  
Docket No: 7582-16  
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 26 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 on 5 December 1984. On 10 May 1985, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty. After receiving warning counselings on your involvement in two alcohol related incidents you were sent to an alcohol abuse rehabilitation program which you successfully completed on 4 June 1986. During the period from 31 October 1986 to 11 June 1987, you received three non-judicial punishments (NJP) for the following offenses: purchasing alcohol while under the age of 21, possessing a military ID card belonging to another Marine, wrongfully and falsely altering a military ID card, four specifications of possessing alcohol in the barracks, adultery, and consuming alcoholic beverage under the age of 21. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After you waived your procedural rights, your commanding officer recommended discharge under other than honorable (OTH) conditions, by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct. On 25 August 1987, you were discharged with an other than honorable characterization of service.

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 desire to upgrade your discharge and contentions that you were young and immature and the majority of your service was served honorably. However, the Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct, which resulted in four NJPs, outweighed your desire to upgrade your discharge and clearly supports the commanding officer's decision to issue you an OTH discharge. In regard to your contention that your misconduct was the result of your immaturity, the Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. The Board also noted that the record shows you were notified of and waived your procedural right to present your case to an administrative board. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. 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