



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

[REDACTED]
Docket No: 8184-16
NOV 20 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 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 13 May 1968. During the period from 20 December to 18 September 1969, you received four nonjudicial punishments (NJPs) for assault, and three periods of unauthorized absence (UA) totaling 122 days. Your last period of UA lasted 118 days. On 29 December 1969, you submitted a written request for an undesirable discharge (UD) for the good of the service in order to avoid trial by court-martial for your 118 day UA. Prior to submitting this request for discharge, you conferred with a qualified military lawyer, were advised of your rights, and warned of the probable adverse consequences of accepting such a discharge. However, you had already received NJP for the same UA, period, and your request was denied. There was an additional period of UA totaling 36 days that was not submitted with your first request. Although your record is incomplete, in that it does not contain another request for and UD discharge, it appears you still desired a UD discharge for the good of the service which was granted. On 21 April 1970, you received an other than honorable discharge.

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 you have been sober and drug free for over ten years, that all of your misconduct while in service was alcohol related, you had a drug problem, and no help was offered to you. The Board concluded these factors were

not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in four NJP's, lengthy period of UA, and your request to be discharged for the good of the service. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon 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