



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

[REDACTED]
Docket No: 655-17
APR 20 2018

[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 20 March 2018. 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 30 January 1976. According to the information in your record, you were in an unauthorized absence (UA) from 13 September to 11 October 1977 totaling 28 days. On 22 January 1979, you were convicted by summary court martial (SCM) of UA totaling 21 days. During the period from 3 March 1979 to 6 May 1980, you were in a UA status on eight separate occasions totaling 339. Although the Board lacked your entire service record, the Board relied on a presumption of regularity that you were notified of the recommendation that you be discharged by reason of misconduct due to absent without leave. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to absent without leave. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct. On 1 February 1984, you were discharged.

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 would like to receive proof that you were a camp guard,

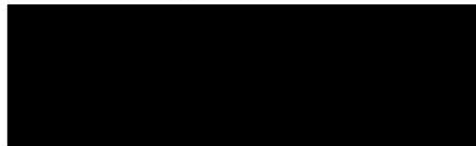
a company driver, your name changed to your legal name, and you served three years in good standing. In this regard, the Board concluded that your misconduct due to several lengthy UAs, outweighed your desire to upgrade your discharge.

In regard to your contention that you would like to receive proof that you were a camp guard and a company driver. The Board noted that your contention, unsupported in the record or by submission of documentation failed to support that you were a camp guard or a company driver.

In regard to your contention that you would like your name changed to your legal name. The Board noted that you must first contact your local judicial court and request a legal name change prior to requesting to have your military records changed. The Board also noted that it is commendable that you served three years in good standings. However, a Marine's service is characterized at the time of discharge based on performance during the current enlistment. 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