



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

71/e

[REDACTED]
Docket No: 766-17

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, United States Code, Section 1552. 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. Consequently, your application has been denied.

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 Marine Corps on 17 January 1979. On 4 August 1980, you were convicted by special court martial (SPCM) of unauthorized absence (UA) totaling 326 days. On 4 December 1980, you received non-judicial punishment (NJP) for being absent from your appointed place of duty. On 21 April 1981, you were convicted by summary court-martial (SCM) of three specifications of UA totaling 14 days and being absent from your appointed place of duty. On 24 August 1981, you were convicted by SPCM of four specifications of UA totaling 59 days. As a result of the forgoing, you were sentenced to confinement for 120 days, forfeiture of pay and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 27 October 1982, you were discharged.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, you had no legal representation, and contentions that you did not have legal representation and were young and did not understand what was going on at the court-martial.

The Board noted that there is no evidence in your record, and you submitted none, to support your contentions. The Board in its review discerned no impropriety or inequity in your discharge or your court-martial.

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