



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

[REDACTED]
Docket No: 5325-17

JAN 02 2019

[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 16 October 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 Navy on 16 November 1972. On 11 September 1973, you submitted a written request for discharge for the good of the service to avoid trial by court-martial for 129 days of unauthorized absence (UA). Prior to submitting this request, you conferred with a qualified military lawyer, at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. Your request was approved, and your commanding officer (CO) was directed to issue an other than honorable (OTH) discharge for the good of the service. As a result of this action, you were spared the stigma of a court-martial conviction, as well as the potential penalties of such a punitive discharge. On 26 September 1973, you were discharged.

The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to rebut the presumption, to include evidence

submitted by the Petitioner, the Board presumes that you were properly discharged from the Marine Corps.

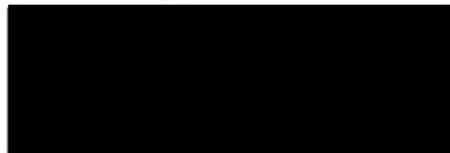
The Board carefully weighed all potentially mitigating factors, such as the character letters submitted on your behalf and your desire to upgrade your discharge, as well as your contentions that you were young, immature, and had problems adjusting to military life, and that you have changed your life for the better. The Board, however, found that these factors were not sufficient to warrant relief in your case given your lengthy period of UA and your request for a good of the service discharge in lieu of a trial by court-martial.

In regard to your contention that you were young and immature, the Board noted that the evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. Regarding your contention that you had problems adjusting to military life, the Board noted that there is no evidence in your record, and you submitted none, to support your contention.

In regard to your contention that you changed your life for the better, the Board noted that, while commendable, your post-service conduct does not excuse your conduct while enlisted in the Navy or the basis for your discharge.

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