



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

[REDACTED]  
Docket No: 6521-17  
JAN 03 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 17 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

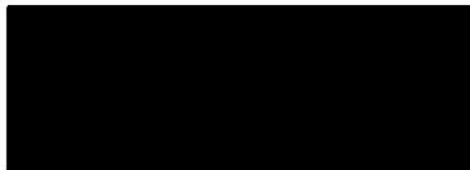
You enlisted in the Marine Corps and began a period of active duty on 30 June 1981. You served for nine months without disciplinary incident, but during the period from 14 April 1982 to 2 February 1983, you received nonjudicial punishment (NJP) on three occasions and were convicted by summary court-martial (SCM). Your offenses were failure to obey the lawful order of a noncommissioned officer (NCO), absence from your appointed place of duty, wrongful possession of marijuana, and insubordinate conduct toward an NCO. Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct, at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer

recommended that you be discharged under other than honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed your separation under other than honorable conditions by reason of misconduct. You were discharged on 2 March 1983.

The Board carefully weighed all potentially mitigating factors, such as your post-service conduct, and your contentions that you were young and immature, and made mistakes that you could not overcome. The Board, however, concluded that these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct, which resulted in three NJPs and a SCM conviction. Further, you were given an opportunity to defend your actions, but waived your procedural rights. The Board considered your youth and immaturity as factors in your behavior, but concluded that the severity of your misconduct outweighed your current desire to upgrade your discharge. (The Board also noted that you were discharged with an Other Than Honorable characterization of service, not an Under Honorable (General) characterization of service.) The Board in its review discerned no impropriety or inequity in the 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