



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

[REDACTED]  
Docket No: 7814-17

APR 30 2019

[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. 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 15 January 2019. 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.

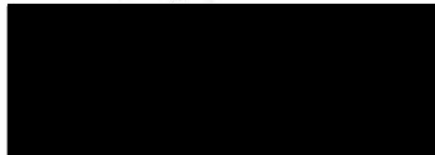
You enlisted in the Marine Corps on 27 October 1982. During the period from 11 July 1983 to 20 September 1984, you received four non-judicial punishments (NJP) for unauthorized absence (UA) totaling 21 days, incapacitated for the performance of duty, disobeying a lawful order, violating a lawful regulation, wrongfully setting off firecrackers in the barracks, and destruction of government property. On 11 December 21984, you were convicted by summary court martial (SCM) of UA for one day and disobeying a lawful regulation. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After you waived your procedural rights, your commanding officer (CO) recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed an OTH discharge by reason of misconduct. On 25 January 1985, you received an additional NJP for wrongful use of marijuana. On 28 January 1985, you were discharged.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contentions that you have been alcohol free since 1988 and your enlistment contract was altered from three to four years without your approval. In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by four NJPs and a SCM, outweighed your desire to upgrade your discharge and clearly supports the CO's decision to issue an OTH discharge.

In regard to your contention that you have been alcohol free since 1988, the Board commends you for your post service conduct, however it does not excuse your conduct while enlisted in the Marine Corps or the basis for your discharge. Regarding your contention that your enlistment contract was altered from three to four years without your approval, the Board noted that there is no evidence in your record, and you submitted none, to support your contention.

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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director