



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

SJN
Docket No: 8886-13
1 October 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 September 2014. 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, your naval record, and applicable statutes, regulations, and policies.

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.

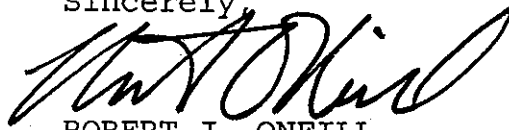
You enlisted in the Marine Corps and began a period of active duty on 4 March 1982. The Board found that your record is incomplete. However, your service records show that you received two nonjudicial punishments (NJP's) and were convicted by summary court-martial (SCM) of four specifications of failing to go to your appointed place of duty. You were sentenced to a reduction in paygrade, confinement at hard labor, and a forfeiture of pay. Subsequently, administrative separation action was initiated to separate you by reason of misconduct due to minor disciplinary infractions. After being afforded all of your procedural rights, you received an other than honorable discharged on 18 December 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post service accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant

recharacterization of your discharge given your two NJP's and SCM conviction. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 handwritten signature in cursive script, appearing to read "R. J. O'Neill", written in dark ink.

ROBERT J. ONEILL
Executive Director