



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

SJN
Docket No: 9307-13
17 November 2014

[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.

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 4 November 2014. 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, 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 27 September 1994. The Board found that during the period from 21 January to 20 August 1996, you were counseled on three occasions regarding driving while intoxicated, driving on a revoked license, speeding, improper passing and blatant disregard for human life. You were warned on each occasion that further misconduct could result in administrative discharge action. Additionally, you received nonjudicial punishment (NJP) for three periods of unauthorized absence (UA) totaling 17 days. On 14 November 1996, you were convicted by special court-martial (SPCM) of four specifications of failing to go to your appointed place of duty, and two specifications of UA totaling 27 days. On 16 January 1987, you were admitted into a residential alcohol

treatment facility. However, on 11 February 1997, you began a period of UA that lasted 98 days, ending on 20 May 1997. On 23 May 1997, you were counseled regarding your blatant disregard for good order and discipline due to your alcohol treatment failure. Subsequently, administrative separation action was initiated to separate you by reason of misconduct due to minor disciplinary infractions and alcohol treatment failure. After being afforded all of your procedural rights, you received an other than honorable discharged on 13 June 1997.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and contention that sexual trauma caused your last period of UA. The Board also considered your statement that you suffer from post-traumatic stress disorder (PTSD). Nevertheless, the Board found no evidence to substantiate your claims and determined that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your NJP, SPCM conviction, failure to adhere to your command alcohol treatment program, and lengthy period of UA prior to your discharge. Finally, the Board noted that it appears you waived the right to an ADB, your best chance for retention or a better characterization of service. With regard to your contention of sexual trauma and statement of PTSD, there is no evidence in the record, and you provided none to support them. Accordingly, your application has been denied.

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,



ROBERT J. O'NEILL
Executive Director