



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

BAN  
Docket No:NR09513-13  
2 September 2014

[REDACTED]

This is in reply to your request for reconsideration in September 2013. A review of our files reveals that in 1986, you petitioned this Board seeking the removal of your summary court-martial (SCM) for an unauthorized absence in excess of 4 days, removal of your fitness report for 1 December 1982 to 25 February 1983, removal of your commanding officer's letter of 25 February 1983 requesting your relief for cause, and the Commandant of the Marine Corps' professional standards letter to you of 13 May 1983.

In April 1991, your case was partially approved, see enclosure (1). Now, over 20 years later, in September 2013, you requested a reconsideration of your case to include a reinstatement to E-8/1STSGT.<sup>1</sup>

However, as explained in the Board's previous letter, a case may only be reconsidered upon submission of new and material evidence. New evidence is defined as evidence not previously considered by the Board and not reasonably available to you at the time of your previous application. Evidence is considered to be material if it is likely to have a substantial effect on the outcome of the Board's decision. Therefore, on 2 September 2014, a three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your reconsideration 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps (HQMC) memo 1070 JPL of 22 Aug 2014, a copy of which is being provided to you, see enclosure (2).

<sup>1</sup> In 1983, you had been selected to E-8/1STSGT, but your command sent a message to the Commandant of the Marine Corps requesting your name be removed from the selection list due to your misconduct.

After careful and conscientious consideration of the entire record, the Board found that the evidence you submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board concurred with the comments contained in the advisory opinion. In addition, the Board noted that in your previous BCNR case, it stated that although you were granted some relief, you were no longer eligible for promotion to E-8/1STSGT due to your misconduct, (UA). Therefore, since you provided no new or material information to mitigate and/or substantiate your UA, 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.

Sincerely,



ROBERT J. O'NEILL  
Executive Director

Enclosures