



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

TLG
Docket No: 12036-14
19 August 2015

MR

Dear Mr.

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. The application was filed in a timely manner.

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 August 2015. 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.

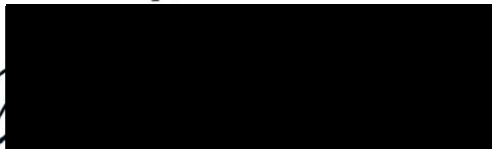
You enlisted in the Marine Corps and began a period of active duty on 6 July 1988. During the period from 24 April 1990 to 1 November 1991, you received three nonjudicial punishments (NJP) for absence from your appointed place of duty, disrespect, wearing unauthorized civilian attire, and disobeying a lawful order. You were also convicted by general court-martial (GCM) of failure to obey a lawful order, larceny, writing bad checks, and impeding an investigation.

You were sentence to confinement for four months, forfeiture of pay, reduction to E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 11 April 1996, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that you were found guilty of only one theft. Nevertheless, the Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct outweighed your desire to upgrade your discharge as evidenced by your three NPJs, GCM, and separation from the Marine Corps. The Board also was not persuaded by your assertion that you were found guilty of only one theft. Regarding your diagnosis of post-traumatic stress disorder, the Board determined that your diagnosis did not exist at the time of your discharge. In the end, the Board concluded that your misconduct was too serious to warrant upgrading your discharge. 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,

A large black rectangular redaction box covers the signature of the Executive Director.

ROBERT J. O'NEILL
Executive Director