



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

TJR
Docket No: 12712-14
4 May 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 29 April 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 although incomplete, 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 at the age of 24 and began a period of active duty on 7 July 2003. You served without disciplinary infraction for about four months. However, on 30 November 2003, you began a period of unauthorized absence (UA) that was not terminated until you were apprehended on 10 February 2004. Shortly thereafter, on 26 February 2004, you received nonjudicial punishment (NJP) for the foregoing period of UA. The punishment imposed was restriction for 60 days and a \$1,192 forfeiture of pay.

Subsequently, your commanding officer determined that you were not recommended for retention or reenlistment, and as such, recommended discharge under other than honorable conditions by reason of misconduct due commission of a serious offense as evidenced by the NJP. On 29 March 2004, the discharge authority

approved this recommendation and directed separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 12 April 2004, while serving in paygrade E-1, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your record and application, which included your counsel's brief, carefully weighed all potentially mitigating factors, such as your desire to upgrade your other than honorable discharge, to be reinstated in the military, and change your narrative reason for separation/separation code and reenlistment code. The Board also considered your assertions and your counsel's allegations of you being an impressionable young man and heavily influenced by others; and that the record should be corrected because it is incomplete due to the errors and injustice by the Marine Corps. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your lengthy period of UA and nonrecommendation for retention or reenlistment which was based on your misconduct. In this regard, the Board determined that your desires and your counsel's allegations were not enough to outweigh the significant misconduct you committed. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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