



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

TJR
Docket No: 2085-14
26 February 2015



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 February 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, began a period of active duty on 4 May 1967, and served until 14 September 1967, the beginning of your first period of unauthorized absence (UA). As a result of this disciplinary infraction, on 24 April 1968, you were convicted by special court-martial (SPCM) of a 271 day period of UA.

On 5 June 1969, you were again convicted by SPCM of two periods of UA totalling 366 days and breaking restriction. You were sentenced to confinement at hard labor for six months, a \$438 forfeiture of pay, and a bad conduct discharge (BCD), which was suspended for six months. However, two months later, on 26 August 1969, you were convicted by SPCM of a 60 day period of UA. As a result, the suspended BCD was remitted and subsequently approved at all levels of review, and on 24 December 1969, 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 of being granted clemency by your commanding officer. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive and lengthy periods of UA which resulted in three SPCMs and a BCD. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director