



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

JDR
Docket No: 2475-14
30 March 2015



Dear Mr. Stone:

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 10 March 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 3 November 1987, and satisfactorily served for about 10 months without incident. On 13 October 1988, you received nonjudicial punishment (NJP) for a 28 day period of unauthorized absence.

During the period from 6 January to 13 March 1989, you received NJP on three occasions for disobedience of a lawful order and wrongful use of amphetamines/methamphetamines.

Subsequently, administrative discharge action was initiated by reason of misconduct due a pattern of misconduct. At that time you waived your procedural rights. The discharge authority approved a discharge under other than honorable conditions by reason misconduct due to a pattern of misconduct, and on 5 May 1989, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. It also considered your assertion that you were told your discharge would be upgraded six months after discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct which resulted in four NJPs. Further, with regard to your assertion, be advised that there is no provision in law or regulations that allows for recharacterization automatically after six months. Finally, the Board noted that you waived your procedural rights which may have resulted in a better characterization of service. 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