



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

SJN
Docket No: 4963-14
15 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 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 12 May 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 11 February 2008. On 3 February 2011, you received NJP for disobedience and communicating a threat. You received a reduction in paygrade. On 14 March 2011, a Staff Judge Advocate recommended that the charge of communicating a threat be set aside, due to the fact that the charge did not meet the required elements, which your commanding officer dismissed. Additionally, he stated, in part, that the punishment awarded was not unjust in light of your misconduct and guilty finding relating to your failure to obey an order. You remained on active duty until you were honorably released from active duty on 20 January 2012, and transferred to the Marine Corps Reserve.

The Board concluded that your commanding officer's decision to impose NJP was appropriate, and it was administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP is not warranted, and that such action would be unfair to your peers, against whom you compete for promotions and assignments. 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 handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director